



Journal of the House

State of Indiana

113th General Assembly

First Regular Session

Thirty-seventh Meeting Day

Monday Afternoon

March 31, 2003

The House convened at 1:30 p.m. with the Speaker in the Chair.

The invocation was offered by Dr. Sam Young, Central Christian Church, Huntington, the guest of Representative Daniel Leonard.

The Pledge of Allegiance to the Flag was led by Representative Leonard.

The Speaker ordered the roll of the House to be called:

T. Adams	Kromkowski
Aguilera	Kruse ☐
Alderman	Kuzman
Austin ☐	LaPlante
Avery	L. Lawson
Ayres	Lehe
Bardon	Leonard
Becker	Liggett
Behning	J. Lutz
Bischoff ☐	Lytle
Borror	Mahern
Bosma	Mangus
Bottorff	Mays
C. Brown	McClain
T. Brown	Moses
Buck	Murphy
Budak	Neese
Buell	Noe
Burton	Orentlicher
Cheney	Oxley
Cherry	Pelath
Chowning	Pflum
Cochran	Pierce
Crawford	Pond
Crooks ☐	Porter
Day	Reske
Denbo	Richardson
Dickinson	Ripley
Dobis	Robertson
Duncan	Ruppel
Dvorak	Saunders
Espich	Scholer
Foley	V. Smith
Frenz	Stevenson
Friend	Stilwell
Frizzell	Stine
Fry	Stutzman
GiaQuinta	Summers
Goodin	Thomas
Grubb	Thompson
Gutwein	Torr
Harris	Turner
Hasler	Ulmer
Heim	Weinzapfel
Herrell	Welch
Hinkle	Whetstone ☐
Hoffman	Wolkins
Kersey	D. Young
Klinker	Yount ☐
Koch	Mr. Speaker

Roll Call 420: 94 present; 6 excused. The Speaker announced a quorum in attendance. [NOTE: ☐ indicates those who were excused.]

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Tuesday, April 1, 2003, at 1:30 p.m.

RESKE

Motion prevailed.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed House Bills 1702 and 1791 with amendments and the same are herewith returned to the House for concurrence.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has accepted and approved the Joint Rule 20 correction on Engrossed Senate Bill 13.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolutions 19, 45, and 47 and the same are herewith transmitted to the House for further action.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I hereby transmit Senate Enrolled Act 515 for signature.

MARY C. MENDEL
Principal Secretary of the Senate

ENROLLED ACTS SIGNED

The Speaker announced that he had signed House Enrolled Acts 1059, 1077, 1088, 1133, 1141, 1176, 1209, 1278, 1282, 1286, 1380, 1408, 1632, 1645, 1729, 1897, and 1968 and Senate Enrolled Act 515 on March 31.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 39

Representatives Pelath and Budak introduced House Concurrent Resolution 39:

A CONCURRENT RESOLUTION honoring Margaret A. Spartz for her ten years of service with the Unity Foundation.

Whereas, The Unity Foundation was established in 1992 to connect donors with community organizations and projects to build a brighter future for the people of LaPorte County;

Whereas, The Unity Foundation serves three groups: donors, nonprofit organizations, and the communities of LaPorte County;

Whereas, LaPorte County has benefitted greatly through the efforts of the Unity Foundation of LaPorte County;

Whereas, Margaret A. Spartz, commonly known as Maggi, has served as President and Chief Executive Officer of the Unity

Foundation for ten years;

Whereas, Margaret Spartz, who has given immeasurable hours of her time for charitable, educational, and economic development purposes, exemplifies the concept of leadership in LaPorte County; and

Whereas, It is indeed fitting and proper that the LaPorte County communities honor Margaret A. Spartz for her efforts and accomplishments: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly recognizes Margaret A. Spartz for her efforts on behalf of the people of LaPorte County and thanks her for her tireless efforts to improve the lives of people in need.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Margaret "Maggi" A. Spartz.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Bowser.

House Concurrent Resolution 40

Representative C. Brown introduced House Concurrent Resolution 40:

A CONCURRENT RESOLUTION urging the legislative council to assign to the health finance commission the topic of nutrition for students in Indiana's public schools and the promotion of healthy habits in school lunchrooms.

Whereas, The Centers for Disease Control and Prevention have reportedly determined that 20% of Indiana residents meet the medical definition of obese;

Whereas, The Centers for Disease Control and Prevention have reportedly identified 11.4% of Indiana high school students as overweight;

Whereas, It is imperative that we install healthier food choice decision-making in our young people if we are to positively change these statistics or successfully alter current trends;

Whereas, Recent newspaper reports have clearly demonstrated the poor quality of food choices made available to Indiana students in school lunchrooms;

Whereas, We should be able to count on schools to provide model nutritional choices for students who might not otherwise find wise counsel in their food consumption decisions;

Whereas, An Indianapolis Star columnist recently described today's typical public high school lunchroom as "a modified version of fast food courts," luring students to make poor food consumption choices, even during school hours; and

Whereas, There seems to be a tendency for Indiana's school corporations to become reliant upon the funding generated by lucrative vending machine contracts that pour money into the hands of multinational corporations while further tempting school children into forming poor long-term eating habits: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the legislative council is urged to assign to the health finance commission the topic of nutritional needs in Indiana's public schools, including the pervasive availability of unhealthy foods in vending machines as well as the prospect of requiring additional hours of class time devoted to physical education and other activities aimed at improving student health.

SECTION 2. That the health finance commission shall operate under the direction of the legislative council.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Miller.

House Concurrent Resolution 41

Representatives Herrell and Buck introduced House Concurrent Resolution 41:

A CONCURRENT RESOLUTION congratulating the Kokomo High School Lady Wildkats basketball team on its Class 4A state championship.

Whereas, The Kokomo High School girls basketball team became the 2003 Class 4A state champions on Saturday, March 8, 2003, at Conseco Fieldhouse in Indianapolis, Indiana;

Whereas, This was the third state title for the No. 1 ranked Lady Wildkats, who tied the state record with their fifth appearance in the state finals;

Whereas, The Wildkats were undefeated throughout the 2002-03 season and have remained atop the Class 4A state poll for much of the season;

Whereas, The Lady Wildkats came from behind to defeat Perry Meridian High School 44-42;

Whereas, This game will long be remembered as one that kept the fans on the edge of their seats;

Whereas, Kokomo came from behind in the final one minute and 52 seconds to defeat the Falcons and win their third state championship; and

Whereas, Athletic excellence and mental fortitude such as this deserves special recognition: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly wishes to congratulate the Kokomo High School girls basketball team on its state championship victory in the Class 4A Girls State Basketball Tournament.

SECTION 2. That the Principal Clerk of the House of Representatives transmit copies of this resolution to team members Whitney Beck, Ashley Hayes, DeUnna Hendrix, Gretchen Hendrix, Ashley Johnson, Anne Thatcher, Lisa Barrett, Haylee Deniston, Amber Rayle, Lisa Thompson, Chelsea Boller, Ashley Givens, Melissa Meck, Whitney Farris, and Audrey McDonald, head coach Charlie Hall, assistant coaches Ed Moon, Jay Karp, Stacy Garlinger, Dara Johnson, Lisa Pflueger, Jesse Dunn, Russell Dance, team trainer Dawn Robertson, student managers Sarah Miller, Brendan Hawkins, Athletic Director Jim Callane, Principal Harold Canady, and Superintendent Dr. Thomas Little.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Drozda.

House Concurrent Resolution 42

Representatives Bosma, Bardon, Buell, Crawford, and Summers introduced House Concurrent Resolution 42:

A CONCURRENT RESOLUTION honoring Noble of Indiana for fifty of years of service to people with disabilities.

Whereas, Noble of Indiana provides services to individuals with disabilities, offering opportunities for work, education, and integration into the community;

Whereas, A group of parents energized to provide better opportunities for their children with disabilities founded the Noble School in 1950;

Whereas, The Noble School expanded its services in 1960, founding a program of supported employment for adults with developmental disabilities;

Whereas, After a 1973 federal mandate that all public schools include children regardless of disability, Noble shifted its educational focus to preschool children and continued to develop its supported employment service;

Whereas, In 1983, Noble established the Neighborhood Program, a pioneering effort to support preschool age children with

developmental disabilities in community-based schools, Mother's Day Out programs, and other inclusive early childhood setting;

Whereas, Noble launched the state's first Supported Employment service in 1986, providing adults with disabilities the chance to become valued employees in businesses across central Indiana;

Whereas, Noble expanded the Supported Employment service to include a School-to-Work program for high school students, partnering with area schools to give children in special education job skills necessary to be successful after graduation;

Whereas, Noble Communitas, was launched in 2001, enhancing a partnership between Noble and the community to design services for individuals based on their unique interests;

Whereas, The most recent expansion of Noble services, the Center for Family Leadership, was created in 2003, a project that partners trained mentor parents with other parents of children with disabilities, focusing on empowering families to raise their children in way that will help them experience full, rich lives in the community;

Whereas, The bright people who had the vision to develop services for individuals with disabilities have, over many years, provided an invaluable service to the State of Indiana, and their efforts have resulted in substantially improved quality of life for all Hoosiers: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That Noble of Indiana is honored for fifty of years of outstanding service to Hoosiers with disabilities and their families.

SECTION 2. That the Principal Clerk of the House of Representatives is directed to transmit a copy of this resolution to Noble of Indiana.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsors: Senators Merritt, Howard, Breau, and Miller.

House Concurrent Resolution 43

Representatives Scholer, T. Brown, and Klinker introduced House Concurrent Resolution 43:

A CONCURRENT RESOLUTION honoring Harry Guyer Leslie, former Governor of Indiana from January 14, 1929 to January 9, 1933, and urging INDOT to rename the State Road 26 bridge over the Wabash River between West Lafayette and Lafayette, the "Governor Leslie Memorial Bridge".

Whereas, Harry Guyer Leslie was born in West Lafayette, Indiana;

Whereas, Harry Guyer Leslie played football while attending Purdue University and miraculously survived the tragic train wreck in 1903 that killed sixteen of his fellow team members in Indianapolis;

Whereas, Harry Guyer Leslie was known as "Skillet" in his school days when he not only played football but also served as athletic manager;

Whereas, After recovering from his serious injuries, he graduated from Purdue University and went on to receive his law degree from Indiana University;

Whereas, Harry Guyer Leslie served on the Purdue Alumni Association board;

Whereas, Governor Harry Guyer Leslie is the only Governor of Indiana who graduated from Purdue University;

Whereas, Harry Guyer Leslie opened a law office in Lafayette and became involved in Tippecanoe County politics;

Whereas, Harry Guyer Leslie, being committed to bringing young people into politics, founded the Purdue College Republicans in 1904;

Whereas, Harry Guyer Leslie was elected County Treasurer in

1912 and 1914;

Whereas, Leslie Avenue and the West Lafayette High School venue on North Grant Street has long been known as Leslie Field honoring his memory;

Whereas, As Governor, Harry Guyer Leslie led Indiana through the Great Depression, during which time he called a special session in 1932 to reduce taxes and expenses of government;

Whereas, Harry Guyer Leslie also served as Speaker of the Indiana House of Representatives from 1925 to 1927;

Whereas, Following his time as governor, Harry Guyer Leslie founded a life insurance company in Indianapolis of which he became president;

Whereas, Harry Guyer Leslie died December 10, 1937: Therefore,

*Be it resolved by the house of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the Indiana General Assembly honors former Governor Harry Guyer Leslie and urges INDOT to rename the State Road 46 bridge over the Wabash River between West Lafayette and Lafayette, the "Governor Leslie Memorial Bridge."

SECTION 2. That the Principal Clerk of the House of Representatives is directed to transmit a copy of this resolution to the Indiana Department of Transportation, Mr. James Hawley of the Tippecanoe County Area Plan Commission, Mr. Kyle Kasting of the College Republicans, Mr. John M. Leslie, Mr. Thomas N. Leslie and Mrs. Martha Brooks.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Harrison.

House Concurrent Resolution 44

Representatives Porter and Summers introduced House Concurrent Resolution 44:

A CONCURRENT RESOLUTION honoring Eagle Scout Evan Morton.

Whereas, Evan Morton, a junior at Broad Ripple High School, Indianapolis, Indiana, has recently attained the rank of Eagle Scout;

Whereas, Evan joined the Boy Scouts at the age of 11 when his mother encouraged him to do so because she felt it would help him develop life skills;

Whereas, Evan, who plans to attend Purdue University, continued in the Boy Scouts and rose to its highest level;

Whereas, The Eagle Scout Award is a uniquely prestigious award—the highest rank that a Scout can earn;

Whereas, Fewer than two and one-half percent of all Scouts in the 86 years of Scouting in America have achieved the rank of Eagle Scout;

Whereas, A candidate for Eagle Scout must demonstrate proficiency in specific areas of crafts and skills as he advances from the rank of Tenderfoot;

Whereas, This entire process is designed to broaden the Scout's knowledge and understanding of the many vocational opportunities available to aid him in choosing his career;

Whereas, Upon successful completion of all the requirements and a board of review, the Scout receives his Eagle Badge and Medal at a Court of Honor;

Whereas, The Eagle Scout then joins an elite group that includes U.S. Presidents, members of Congress, astronauts, writers, entertainers, scientists, and judges;

Whereas, As his Eagle Scout project, Evan chose to beautify the exterior of the Mt. Olive Missionary Baptist Church, where he is an active member;

Whereas, The project was divided into four phases: phase one was the beautification of the front lawn, phase two was the beautification of the side of the church, phase three was the beautification of the rear of the church, which involved planting of two red twig dogwood

trees and two yellow twig dogwood trees, and phase four involved the placement of mulch around all existing shrubs and trees; and

Whereas, Through his hard work and dedication, Evan has made the Mt. Olive Missionary Baptist Church a more beautiful place for its congregation to worship and has improved the lives of its members: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly wishes to congratulate Evan Morton on achieving the rank of Eagle Scout.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Evan Morton and his family.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Howard.

House Resolution 41

Representatives Kuzman and Dobis introduced House Resolution 41:

A HOUSE RESOLUTION commemorating the birth of Frederick Murphy Garver.

Whereas, The Golden Child has arrived in this world on March 26, 2003 at nine and a half pounds, twenty-two inches;

Whereas, He "bares" remarkable resemblances to his father, lending truth to the saying "Chip off the Old Block";

Whereas, Congratulations to parents, Chip and Megan and the Grandparents, Fred and Susan Garver upon the arrival of first-born grandchild, and to Mike and Nancy Murphy on their new addition: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That this body welcomes Frederick Murphy Garver to this world and wishes him a long and prosperous life.

SECTION 2. That the Principal Clerk of the House is directed to transmit a copy of this resolution to Fredrick Murphy Garver.

The resolution was read a first time and adopted by voice vote.

House Resolution 42

Representatives Kuzman and Ayres introduced House Resolution 42:

A HOUSE RESOLUTION honoring the Crown Point Dance Team on its state championship victory in varsity kick.

Whereas, To earn the opportunity to compete in the state championship, the team competed and ranked in several local invitationals and a regional competition in which they ranked first place over the reigning two-time state champions in kick;

Whereas, Crown Point High School last won the state title in 1998, making this year a first for all team members;

Whereas, The team went on to qualify and compete in the national competition earning the rank of twenty-first in the nation out of sixty competing schools; and

Whereas, The team members and the coaching staff have shown dedication and strong work ethic in order to win this honor: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives congratulates the Crown Point High School Dance Team, its coaches, and the parents, students, faculty, and administrators who supported their efforts and hard work that rewarded them with a state championship in varsity kick.

SECTION 2. That the Principal Clerk of the House of Representatives is directed to transmit a copy of this resolution to Crown Point High School, the Dance Team Coach, Deb Ciochina,

and the Dance Team members: Laureen Ballas, Elizabeth Camp, Carey Ciochina, Natatie Cooper, Nicole Coros, Sarah Couwenhoven, Tatiana Dejanovic, Meg Eaton, Jennifer Gladdis, Jamie Jansen, Kristina Louttit, Brianne Pusateri, Candice Robinson, Jamie Rotroff, Mandy Rowe, Heather Schultz, Tia Stedman, Jessica Vercellino and Mindy Zacher.

The resolution was read a first time and adopted by voice vote.

House Resolution 43

Representatives Budak, Dickinson, Duncan, Klinker, L. Lawson, Mays, Noe, Pond, Richardson, Scholer, Summers, and Welch introduced House Resolution 43:

A HOUSE RESOLUTION to honor Sarah M. Taylor, Clerk of the Marion Circuit Court, for eight years of outstanding service.

Whereas, Sarah M. Taylor was first elected to public office in January, 1995 as Clerk of the Circuit Court of Marion County;

Whereas, Sarah M. Taylor was twice recognized in 1997 as "Clerk of the Year" by her ninety-one peers in the Association of Clerks of the Circuit Courts of Indiana. The second award was presented by Secretary of State Sue Ann Gilroy on behalf of the Election Division;

Whereas, Sarah M. Taylor was elected to her second term as Clerk of Marion Circuit Court in 1998;

Whereas, Sarah M. Taylor has focused her administration on technological innovation, election reform and service to families caught in the child support system;

Whereas, Sarah M. Taylor's development of the bipartisan Voting Technology Task Force in 1999, served as a model to election officials;

Whereas, Sarah M. Taylor has worked to improve child support processing by utilizing technology to provide several options for non-custodial parents.

Whereas, Sarah M. Taylor is active in several local political organizations and sits as Vice Chair for the Seventh Congressional District to the Indiana State Republican Committee;

Whereas, Sarah M. Taylor serves as Secretary to the Marion County Election Board and Marion County Commission on Public Records. In addition she also serves on the statewide Commission on Courts by appointment of the Indiana House of Representatives, was president of the Indiana Clerk's Association in 2001 and is a member of the Indianapolis Bar Foundation's Board of Directors;

Whereas, Sarah M. Taylor was named "County Official of the Year", was awarded the Arthur R. Himsel award at the Association of Indiana Counties Annual Conference in 2002;

Whereas, Sarah M. Taylor during her eight year tenure has given outstanding service as Clerk of the Marion Circuit Court: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives honors Sarah M. Taylor for her many accomplishments and years of service.

SECTION 2. The Principal Clerk of the House of Representatives is directed to transmit a copy of this resolution to Sarah M. Taylor, Clerk of the Marion Circuit Court.

The resolution was read a first time and adopted by voice vote.

House Resolution 44

Representative Kruse introduced House Resolution 44:

A HOUSE RESOLUTION to honor the 100th anniversary of the Auburn Chamber of Commerce.

Whereas, The Auburn Commercial Club was organized on February 14, 1903;

Whereas, The name of the organization changed in 1929 to the Chamber of Commerce of Auburn, Indiana;

Whereas, In 1957 the corporate structure was reorganized and the name was changed to the Auburn Chamber of Commerce, Inc.;

Whereas, In 1903 the organization may have been the successor, to the Auburn Improvement Association which was incorporated December 5, 1895;

Whereas, The Auburn Chamber of Commerce built the building now housing Hamilton Standard in the 1950's. The foresight of the Auburn Chamber of Commerce and its predecessors have proven to be invaluable to healthy growth of the city and county;

Whereas, In 1919 the Auburn Commercial Club built the building at the northeast corner of East Eighth and South Cedar streets for its headquarters. The building was sold in the early 1960's and the proceeds from the sale of the building have been held as an endowment for ongoing chamber activities;

Whereas, The Auburn Chamber of Commerce has also been the nucleus of other organizations that have been beneficial to the community. The Auburn-Cord-Dusenbergl Festival that started as a committee of the Auburn Chamber of Commerce under the leadership of Del Mar Johnson. This committee was split into two separate not-for-profit corporations in 1972;

Whereas, The Auburn-Cord-Dusenbergl Festival, Inc. continues to shape the festival and the Auburn Automotive Heritage, Inc., which operated the Auburn-Cord-Dusenbergl Museum;

Whereas, There were six organizations which began under the Auburn Chamber of Commerce; the Auburn Improvement Industrial Development Corporation, Inc., the Auburn Cordial Bed and Breakfast, the Downtown Auburn Business Association (DABA), the DeKalb County Visitors Bureau and the Auburn Network of Enterprising Women;

Whereas, The Auburn Improvement Association, Inc. has been active in beautification and historic preservation and is an affiliate of Historic Landmark Foundation of Indiana, Inc., and was instrumental in having the Auburn downtown area listed as an historic district on the National Register of Historic Places; sponsors Pride Week Annually; and promotes an annual decorator showcase which is open during the Auburn-Cord-Dusenbergl Festival;

Whereas, In 1981, as in 1904 when the Auburn Commercial Club reacted to a recession, the Auburn Industrial Development Corporation, Inc. (AIDCO) was formed to assist in recruiting industry to Auburn;

Whereas, Under the leadership of Allen Graber and other businessmen, AIDCO has been successful in recruiting several major industries to Auburn and DeKalb County. The Auburn industries included: Sealed Power Corporation, Auburn Packaging, Inc., R. J. Tower, Auburn Hardwood Moulding, Inc. and Guardian Industries;

Whereas, The Downtown Auburn Business Association was organized to promote and support businesses in the downtown area. The Auburn Chamber of Commerce along with the DABA is a member of the National Main Street Program. Together they host events that highlight the historic downtown district;

Whereas, During the 1980's the industrial development in northern Indiana has been successful due to the favorable tax and business climate provided by Indiana. DeKalb County's location with the state, the presence of I-69, railroads and abundant supplies of electricity and gas have all been assets that have led to the development of additional industry;

Whereas, Beginning in 1998, the Auburn Chamber of Commerce paired with the Bureau of Safety Education and Training to host industrial training seminars. The Auburn Chamber also facilitates the DeKalb County Personnel Group which meets monthly as a networking and educational tool for human resource professionals;

Whereas, The Auburn Chamber of Commerce was the catalyst for the development of the DeKalb County Visitor's Bureau. This program encourages visitors to spend money in Auburn, supporting the local economy: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives honors the 100th Anniversary of the Auburn Chamber of Commerce and their continued success.

SECTION 2. That the Principal Clerk of the House of Representatives is directed to transmit a copy of this resolution to Ms. Jill Clark at the Auburn Chamber of Commerce.

The resolution was read a first time and adopted by voice vote.

House Resolution 45

Representative Weinzapfel introduced House Resolution 45:

A HOUSE RESOLUTION honoring the West Side Optimist Club of Evansville on its 50th anniversary.

Whereas, The West Side Optimist Club of Evansville is part of a national organization whose main purpose is to serve youth;

Whereas, The West Side Optimist Club is made up of people who get things done and set an example for the youth of Evansville to help them embrace a similar optimistic mind set;

Whereas, The West Side Optimist Club gives the youth of Evansville the opportunity to develop and demonstrate leadership skills and the satisfaction of making a difference in their community and their own lives;

Whereas, The West Side Optimist Club also promotes patriotism and encourages Evansville youth to work for international accord and friendship among all people; and

Whereas, The optimist's mission is to "foster an optimistic way of life, through a network of optimists, dedicated to the full development of their potential in order to provide ever-expanding service to youth, the community, and the world"; the West Side Optimist Club of Evansville has been successfully fulfilling this mission in the Evansville area for 50 years: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives wishes to congratulate the West Side Optimist Club of Evansville on its 50th anniversary and to thank the club for its efforts to improve the lives of Evansville youth.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to the West Side Optimist Club of Evansville.

The resolution was read a first time and adopted by voice vote.

House Resolution 46

Representative Weinzapfel introduced House Resolution 46:

A HOUSE RESOLUTION recognizing the Visitation Saturday program.

Whereas, Approximately 1,500,000 persons are in nursing homes throughout the United States;

Whereas, A survey in the Evansville area indicated that approximately one-third of all nursing home patients are not visited regularly, and ten percent of the nursing home patients are not visited at all;

Whereas, One of the best measures of any society is the quality of care given to the very young and the very old;

Whereas, Our society has made great progress in the care of our very young and very old, but there is room for improvement;

Whereas, It is the duty of every able-bodied citizen to spend some time each month visiting those who need attention so that they do not feel that they have been forgotten; and

Whereas, The basic purpose of a nursing home visit is to communicate love to the patient; the Visitation Saturday program is an excellent way to ensure that all nursing home patients feel this love: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives recognizes the value of the Visitation Saturday program established by the city of Evansville and encourages all citizens of Indiana to follow suit and visit someone in a nursing home or other facility that could be sick, lonely, or struggling without any encouragement from

the outside.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Stewart Elliott.

The resolution was read a first time and adopted by voice vote.

House Resolution 47

Representative Lytle introduced House Resolution 47:

A HOUSE RESOLUTION honoring Jacob Laskowski as a recipient of the Prudential Spirit of Community Award.

Whereas, Jacob Laskowski, an esteemed resident of Madison, Indiana, and a student at Shawe Memorial Junior Senior High School, has achieved national recognition for exemplary volunteer service by receiving a 2003 Prudential Spirit of Community Award;

Whereas, This prestigious award, presented by Prudential Financial in partnership with the National Association of Secondary School Principals, honors young volunteers across America who have demonstrated an extraordinary commitment to serving their communities;

Whereas, Jacob Laskowski earned this award by giving generously of his time and energy in an effort to educate students and promote tolerance and peace through the use of fun activities from other countries; and

Whereas, The success of the state of Indiana, the strength of our communities, and the overall vitality of American society depend, in great measure, upon the dedication of young people like Jacob Laskowski who use their considerable talents and resources to serve others: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives wishes to congratulate and honor Jacob Laskowski as a recipient of a Prudential Spirit of Community Award, recognizing his outstanding record of volunteer service, peer leadership, and community spirit, and to extend best wishes for his continued success and happiness.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Jacob Laskowski and his family.

The resolution was read a first time and adopted by voice vote.

House Resolution 48

Representative Weinzapfel introduced House Resolution 48:

A HOUSE RESOLUTION honoring the Evansville City/Vanderburgh County Joint Department of Central Dispatch.

Whereas, National Telecommunicators Week will be celebrated April 13 through April 19, 2003;

Whereas, The 43 people comprising the Evansville City/Vanderburgh County Joint Department of Central Dispatch will be honored by the city of Evansville and Vanderburgh County on April 17, 2003;

Whereas, The Evansville City/Vanderburgh County Joint Department of Central Dispatch provides radio and communications service for the police and fire departments in Evansville, as well as the sheriff's office and suburban fire departments in Vanderburgh County;

Whereas, The Evansville City/Vanderburgh County Joint Department of Central Dispatch serves over 290,000 people and covers 277 square miles;

Whereas, The Evansville City/Vanderburgh County Joint Department of Central Dispatch received 370,473 calls in 2002 and dispatched 205,214 of those calls to keep residents of the city of Evansville and Vanderburgh County safe and quickly connected to public safety agencies; and

Whereas, Evansville City/Vanderburgh County Joint Department of Central Dispatch is the first operation of its type in southern Indiana and has proven to be successful in its mission; it is, therefore, fitting and just that this department be recognized for its outstanding service to the city of Evansville and Vanderburgh

County: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives expresses its gratitude and appreciation to the Evansville City/Vanderburgh County Joint Department of Central Dispatch.

SECTION 2. That the Principal Clerk of the Indiana House of Representatives transmit a copy of this resolution to the Evansville City/Vanderburgh County Joint Department of Central Dispatch.

The resolution was read a first time and adopted by voice vote.

House Resolution 49

Representatives Stilwell, Liggett, Kromkowski, and Fry introduced House Resolution 49:

A HOUSE RESOLUTION honoring Jerry Payne on the occasion of his retirement.

Whereas, Jerry Payne, long recognized as one of the champions of labor in Indiana, is retiring after almost 40 years of service to the union cause;

Whereas, Jerry Payne has dedicated his life to one of the principles on which the AFL-CIO was founded, "To protect, maintain and advance the wages, hours, and working conditions of all workers with due regard for the autonomy and integrity of affiliated unions";

Whereas, Jerry Payne has been the conscience of Hoosier workers through his tireless efforts in advocating improvements for workers compensation, unemployment insurance, and a myriad of other Hoosier workers' issues in the Indiana General Assembly;

Whereas, Jerry Payne is a native Hoosier, born in Clermont, Indiana. He was educated in the Wayne Township public school system, graduating from Ben Davis High School;

Whereas, Jerry Payne's 32 year work history has been made up of all union employment, beginning in 1965 when he became a member of the IBEW 481 Electrical Joint Apprenticeship and Training Program, from which he graduated in 1969 as a journeyman electrician;

Whereas, Jerry earned his Masters Electrical Contractors License in 1978 and still maintains it today;

Whereas, Jerry attended the IUPUI general degree program and IUPUI labor studies program and taught the labor history class at Ivy Tech State College in Indianapolis for the IBEW 481 J.A.T.C. two-year associate degree program;

Whereas, Jerry Payne has been active in the activities of the General Assembly as a labor activist since 1978 for IBEW, Central Indiana Building Trades, and the Indiana State AFL-CIO;

Whereas, In addition to his work as a lobbyist, Jerry is the past chairperson of TOP NOTCH, a construction industry promotional program, and the Marion County Mayor's Labor Advisory Council, the founder of Midwest Construction Foundation, and a board member of the Energy Development Board, the Indiana Fiscal Policy Institute, and the Indiana Unemployment Insurance Board. Jerry also served on the Governor's Labor Advisory Committee and the Indiana Health Care Policy Commission; and

Whereas, Throughout his career, Jerry Payne has been a dedicated proponent of labor and workers in Indiana, and through his efforts, the lives of Indiana workers have improved dramatically: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives congratulates Jerry Payne on his many accomplishments and thanks him for his endless hours of dedicated service to improving the lives of workers in Indiana. The members of the Indiana House of Representatives also wish him well in his retirement.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Jerry Payne.

The resolution was read a first time and adopted by voice vote.

The Speaker yielded the gavel to the Deputy Speaker Pro Tempore, Representative Harris.

House Resolution 50

Representative C. Brown introduced House Resolution 50:

A RESOLUTION honoring the Tolleston Middle School Spell Bowl team on its state championship victory.

Whereas, The Hoosier Spell Bowl is an academic competition;

Whereas, The elementary division is comprised of fourth and fifth graders, with each school having up to 15 team members who are to learn a specific word list of 750 words;

Whereas, Each team member in the Spell Bowl spells the selected words in writing on answer sheets in rounds consisting of nine words per round, and each team member contributes to the team's score;

Whereas, The elementary teams compete in both mock and regional competitions;

Whereas, Earned scores from the regional competitions are compared with the scores of elementary schools throughout Indiana and provide the basis for statewide rankings;

Whereas, The Spell Bowl team from Tolleston Middle School, Gary, Indiana, are the 2002 Hoosier Academic Spell Bowl state champions;

Whereas, The team members and their faculty sponsors have worked long and hard to achieve this honor; and

Whereas, Academic excellence such as this deserves special recognition: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana:*

SECTION 1. That the Indiana House of Representatives congratulates the team members and coaches of the Tolleston Middle School Spell Bowl Team on their victory in the state finals of the Hoosier Academic Spell Bowl.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to team members Kendall Alfred, Samantha Allen, Keosha Anderson, Melody Barham, Amber Blackmon, Brianna Blout, Summer Bullock, Shaniqua Burden, Kali Campbell, Melvin Evans, Jessica Frith, Jessica Holley, Tiara Johnson, Terri Lee, Ryan Miller, Nathaniel Shannon, Nico Simpson, Daniel Sparks, and Demetrius Warren, head coach Marnita Taylor, assistant coach Brent Martinson, faculty sponsors Gwendolyn Hatcher, Esther Goodes, Linda Golston, Janice Williams, Boyd Gilbert, Joseph Peterson, Derek Williams, and Evelyn Thomas, Principal Lucielle Upshaw, and Assistant Principal William Reese.

The resolution was read a first time and adopted by voice vote.

Senate Concurrent Resolution 19

The Speaker handed down Senate Concurrent Resolution 19, sponsored by Representatives T. Adams and Liggett:

A CONCURRENT RESOLUTION honoring Delta High School Eagles girls' volleyball team for their outstanding accomplishment in the 2002 IHSA Class 3A girls' state volleyball championship.

Whereas, The No. 2 Delta High School Eagles defeated Fort Wayne Luers High School in the historic Hinkle Fieldhouse on November 9, 2002; 21-13, 21-13, 21-19;

Whereas, The Delta High School Eagles girls' volleyball team had a record of 30-7;

Whereas, The championship was the second straight for the Delta High School Eagles and second overall;

Whereas, The Delta High School Eagles girls' volleyball team was led by Coach Robb Painter, Varsity Assistants Michael Dalton and Katie Maine, Athletic Director Steve Reed, Principal Patrick Mapes, Superintendent R. Stephen Gookins; and

Whereas, The Delta High School Eagles Girls' volleyball team included Kristy Cox, Haley Bullock, Kortney Gray, Ashley DeNeal,

Alyssa Templeton, Blair Buchanan, Loryn Berry, Laura Yadon, Amanda Goebel, Sarah McGill, Ali Rector, Kim Ballinger, Leslie Randall and McKenzie Mauck: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. That the General Assembly of the State of Indiana honors the Delta High School Eagles girls' volleyball team for its accomplishment in winning the 2002 IHSA Class 3A girls' state volleyball championship and extend its congratulations to team members, coaches, and to the school.

SECTION 2. That the General Assembly expresses its support of and best wishes to the Delta High School Eagles girls' volleyball team as they prepare for next year.

SECTION 3. That a copy of this resolution be sent to each team member, Coach Robb Painter, Varsity Assistants Michael Dalton, and Katie Maine, Athletic Director Steve Reed, Principal Patrick Mapes, Superintendent R. Stephen Gookins.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

Senate Concurrent Resolution 45

The Speaker handed down Senate Concurrent Resolution 45, sponsored by Representatives Friend, Wolkins, and Ruppel:

A CONCURRENT RESOLUTION to memorialize and honor Marine Lance Corporal David Fribley, the first Indiana native killed in action during Operation Iraqi Freedom.

Whereas, Lance Corporal Fribley, a 1996 graduate of Warsaw Community High School, was a two sport athlete known both for his athletic ability and leadership skills;

Whereas, After graduating from Indiana State University in 2001 and working briefly in Florida, Lance Corporal Fribley enlisted in the Marine Corps and was stationed in Camp Lejeune, North Carolina until he was deployed to Kuwait;

Whereas, Lance Corporal Fribley was a member of the 1st Battalion, 2nd Marine Regiment, 2nd Marine Expeditionary Brigade;

Whereas, Lance Corporal Fribley was one of seven Marines killed when an Iraqi unit feigned surrender and then fired on the Marines. The attack occurred near An Nasiriyah, about 230 miles outside of Baghdad; and

Whereas, Lance Corporal Fribley became the first Indiana native to die in Operation Iraqi Freedom: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. That the General Assembly of the State of Indiana memorializes and honors Lance Corporal David Fribley for his service and sacrifice for his country, his dedicated patriotism and exemplary bravery.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to Lance Corporal Fribley's parents, Garry and Linda Fribley.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

Senate Concurrent Resolution 47

The Speaker handed down Senate Concurrent Resolution 47, sponsored by Representatives Frenz, Wolkins, and Ruppel:

A CONCURRENT RESOLUTION to memorialize and honor members of the military or public safety officers killed in the line of duty by bestowing an Indiana State Flag to their families.

Whereas, Specialist Greg Sanders and Lance Corporal David Fribley were the first casualties from Indiana killed in action in Operation Iraqi Freedom;

Whereas, Both servicemen served their country bravely and

valiantly and gave their lives in the line of duty; and

Whereas, The State of Indiana will present families of the deceased servicemen with an Indiana State Flag showing the State's appreciation and gratitude for their service: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. That the General Assembly of the State of Indiana memorializes and honors Specialist Greg Sanders and Lance Corporal David Fribley for their brave and valiant service to the people of the United States and the citizens of the State of Indiana.

SECTION 2. The State of Indiana will bestow Indiana State Flags to the families of the two fallen servicemen showing the State's appreciation and gratitude for their sacrifice.

SECTION 3. That the State of Indiana expresses its sincere condolences to each of the families of the fallen servicemen.

SECTION 4. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to Leslie Sanders, Gwendolyn Sanders, and Garry and Linda Fribley.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Engrossed Senate Bill 26, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 8, line 37, delete "common school" and insert "**state general**".

Page 10, line 41, delete "common school" and insert "**state general**".

(Reference is to SB 26 as reprinted February 26, 2003.)
and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

L. LAWSON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Engrossed Senate Bill 28, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 12, nays 0.

L. LAWSON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Engrossed Senate Bill 67, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 25, nays 0.

CRAWFORD, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred Engrossed Senate Bill 88, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 11, nays 0.

MAHERN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Engrossed Senate Bill 222, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 12, nays 0.

L. LAWSON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Engrossed Senate Bill 227, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 3, after "of" insert "**IC 31-34-21-4 and**".

Page 1, between lines 4 and 5, begin a new paragraph and insert: "**SECTION 2. IC 31-34-21-4, AS AMENDED BY P.L.217-2001, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]:** Sec. 4. (a) Except as provided in subsection (f), at least ten (10) days before the periodic case review, including a case review that is a permanency hearing under section 7 of this chapter, the county office of family and children shall send notice of the review to each of the following:

- (1) The child's parent, guardian, or custodian.
- (2) An attorney who has entered an appearance on behalf of the child's parent, guardian, or custodian.
- (3) A prospective adoptive parent named in a petition for adoption of the child filed under IC 31-19-2 if:
 - (A) each consent to adoption of the child that is required under IC 31-19-9-1 has been executed in the form and manner required by IC 31-19-9 and filed with the county office of family and children;
 - (B) the court having jurisdiction in the adoption case has determined under any applicable provision of IC 31-19-9 that consent to adoption is not required from a parent, guardian, or custodian; or
 - (C) a petition to terminate the parent-child relationship between the child and any parent who has not executed a written consent to adoption under IC 31-19-9-2 has been filed under IC 31-35 and is pending.
- (4) Any other person who:
 - (A) the county office of family and children has knowledge is currently providing care for the child; and
 - (B) is not required to be licensed under IC 12-17.2 or IC 12-17.4 to provide care for the child.
- (5) Any other suitable relative or person who the county office knows has had a significant or caretaking relationship to the child.

(b) At least ten (10) days before the periodic case review, including a case review that is a permanency hearing under section 7 of this chapter, the county office of family and children shall provide notice of the review to the child's foster parent **or long term foster parent** by:

- (1) certified mail; or
- (2) face to face contact by the county office of family and children caseworker.

(c) The court shall provide to a person described in subsection (a) or (b) an opportunity to be heard and to make any recommendations to the court in a periodic case review, including a permanency hearing under section 7 of this chapter. The right to be heard and to make recommendations under this subsection includes: ~~the right of a person described in subsection (a) or (b) to submit a written statement to the court that, if served upon all parties to the child in need of services proceeding and the persons described in subsections (a) and (b), may be made a part of the court record:~~

- (1) **the right of a person described in subsection (a) or (b) to submit a written statement to the court that, if served upon all parties to the child in need of services proceeding and the persons described in subsection (a) or (b), may be made a part of the court record; and**
- (2) **the right to present oral testimony to the court and cross**

examine any of the witnesses at the hearing.

(d) Except as provided in subsection (f), this section does not exempt the county office of family and children from sending a notice of the review to each party to the child in need of services proceeding.

(e) The court shall continue the review if, at the time of the review, the county office of family and children has not provided the court with signed verification from the child's foster parent **or long term foster parent**, as obtained through subsection (b), that the foster parent **or long term foster parent**, has been notified of the review at least five (5) business days before the review. However, the court is not required to continue the review if the child's foster parent **or long term foster parent** appears for the review.

(f) If the parent of an abandoned child does not disclose the parent's name as allowed by IC 31-34-2.5-1(c), the parent is not required to be notified of a proceeding described in subsection (a)."

Page 1, line 7, delete "and".

Page 1, line 8, delete "section 4.6 of this chapter,".

Page 1, line 8, delete "parent" and insert "parent, **long term foster parent, or a person who has been a foster parent**".

Page 2, line 4, delete "(a)".

Page 2, delete lines 10 through 18.

Renumber all SECTIONS consecutively.

(Reference is to SB 227 as printed February 28, 2003.)
and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

L. LAWSON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Engrossed Senate Bill 386, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 19, after "over" insert "**by a taxpayer**".

Page 5, line 20, delete "(a) Notwithstanding".

Page 5, line 20, delete ", IC 6-3.1-24," and insert "**applies to this act**".

Page 5, delete lines 21 through 32.

(Reference is to SB 386 as reprinted February 21, 2003.)
and when so amended that said bill do pass.

Committee Vote: yeas 26, nays 0.

CRAWFORD, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Labor and Employment, to which was referred Engrossed Senate Bill 389, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 5, after "shall" insert ",".

Page 1, line 5, reset in roman "as".

Page 1, line 6, reset in roman "liquidated damages for such failure,".

Page 1, line 8, delete "." and insert ",".

Page 1, line 8, reset in roman "not exceeding".

Page 1, line 9, delete "double the amount of wages due," and insert "double the amount of wages due."

Page 1, line 15, after "wages." insert "**The deduction is limited to the lesser of:**

(1) **twenty-five percent (25%) of the employee's disposable earnings for that week; or**

(2) **the amount by which the employee's disposable earnings for that week exceed thirty (30) times the federal minimum hourly wage prescribed by 29 U.S.C. 206(a)(1) in effect at the time the earnings are payable.**

In the case of earnings for a pay period other than a week, the earnings must be computed upon a multiple of the federal minimum hourly wage equivalent to thirty (30) times the federal minimum hourly wage as prescribed in this section."

Page 2, line 2, delete "wages," and insert "**wages and any damages as provided in subsection (a),**".

Page 2, delete lines 11 through 42.

Delete page 3.

Page 4, delete lines 1 through 3.

Page 4, line 4, delete "IC 22-5-6" and insert "IC 22-5-6.2".

Page 4, line 7, delete "6." and insert "**6.2**".

Page 4, between lines 16 and 17, begin a new paragraph and insert:

"SECTION 3. IC 32-28-3-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 0.5. As used in this chapter, "fringe benefits and withholdings" means compensation due an employee employed in the construction trades under a written contract for benefits in addition to wages, including:**

(1) **holiday pay;**

(2) **time off for:**

(A) **sickness or injury; or**

(B) **personal reasons or vacation;**

(3) **bonus pay;**

(4) **authorized expenses incurred during the course of employment; and**

(5) **contributions due to or on behalf of an employee.**

SECTION 4. IC 32-28-3-1, AS ADDED BY P.L.101-2002, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. (a) A contractor, a subcontractor, a mechanic, a lessor leasing construction and other equipment and tools, whether or not an operator is also provided by the lessor, a journeyman, a laborer, or any other person performing labor or furnishing materials or machinery, including the leasing of equipment or tools, for:

(1) the erection, alteration, repair, or removal of:

(A) a house, mill, manufactory, or other building; or

(B) a bridge, reservoir, system of waterworks, or other structure; or

(2) the construction, alteration, repair, or removal of a walk or sidewalk located on the land or bordering the land, a stile, a well, a drain, a drainage ditch, a sewer, or a cistern; or

(3) any other earth moving operation;

may have a lien as set forth in this section.

(b) A person described in subsection (a) may have a lien separately or jointly upon the:

(1) house, mill, manufactory, or other building, bridge, reservoir, system of waterworks, or other structure, sidewalk, walk, stile, well, drain, drainage ditch, sewer, cistern, or earth:

(A) that the person erected, altered, repaired, moved, or removed; or

(B) for which the person furnished materials or machinery of any description; and

(2) on the interest of the owner of the lot or parcel of land:

(A) on which the structure or improvement stands; or

(B) with which the structure or improvement is connected;

to the extent of the value of any labor done, **including fringe benefits and withholdings**, or the material furnished, or both, including any use of the leased equipment and tools.

(c) All claims for wages, **fringe benefits and withholdings, or both wages and fringe benefits and withholdings** of mechanics and laborers employed in or about a shop, mill, wareroom, storeroom, manufactory or structure, bridge, reservoir, system of waterworks or other structure, sidewalk, walk, stile, well, drain, drainage ditch, cistern, or any other earth moving operation shall be a lien on all the:

(1) machinery;

(2) tools;

(3) stock;

(4) material; or

(5) finished or unfinished work;

located in or about the shop, mill, wareroom, storeroom, manufactory or other building, bridge, reservoir, system of waterworks, or other structure, sidewalk, walk, stile, well, drain, drainage ditch, sewer, cistern, or earth used in a business.

(d) If the person, firm, limited liability company, or corporation described in subsection (a) is in failing circumstances, the claims

described in this section shall be preferred debts whether a claim or notice of lien has been filed.

(e) Subject to subsection (f), a contract for the construction, alteration, or repair of:

- (1) a Class 2 structure (as defined in IC 22-12-1-5);
- (2) an improvement on the same real estate auxiliary to a Class 2 structure (as defined in IC 22-12-1-5); or
- (3) property that is:
 - (A) owned, operated, managed, or controlled by a:
 - (i) public utility (as defined in IC 8-1-2-1);
 - (ii) municipally owned utility (as defined in IC 8-1-2-1);
 - (iii) joint agency (as defined in IC 8-1-2-2);
 - (iv) rural electric membership corporation formed under IC 8-1-13-4;
 - (v) rural telephone cooperative corporation formed under IC 8-1-17; or
 - (vi) not-for-profit utility (as defined in IC 8-1-2-125);

regulated under IC 8; and
(B) intended to be used and useful for the production, transmission, delivery, or furnishing of heat, light, water, telecommunications services, or power to the public;

may include a provision or stipulation in the contract of the owner and principal contractor that a lien may not attach to the real estate, building, structure or any other improvement of the owner.

(f) A contract containing a provision or stipulation described in subsection (e) must meet the requirements of this subsection to be valid against subcontractors, mechanics, journeymen, laborers, or persons performing labor upon or furnishing materials or machinery for the property or improvement of the owner. The contract must:

- (1) be in writing;
- (2) contain specific reference by legal description of the real estate to be improved;
- (3) be acknowledged as provided in the case of deeds; and
- (4) be filed and recorded in the recorder's office of the county in which the real estate, building, structure, or other improvement is situated not more than five (5) days after the date of execution of the contract.

A contract containing a provision or stipulation described in subsection (e) does not affect a lien for labor, material, or machinery supplied before the filing of the contract with the recorder.

(g) Upon the filing of a contract under subsection (f), the recorder shall:

- (1) record the contract at length in the order of the time it was received in books provided by the recorder for that purpose;
- (2) index the contract in the name of the:
 - (A) contractor; and
 - (B) owner;
 in books kept for that purpose; and
- (3) collect a fee for recording the contract as is provided for the recording of deeds and mortgages.

(h) A person, firm, partnership, limited liability company, or corporation that sells or furnishes on credit any material, labor, or machinery for the alteration or repair of an owner occupied single or double family dwelling or the appurtenances or additions to the dwelling to:

- (1) a contractor, subcontractor, mechanic; or
- (2) anyone other than the occupying owner or the owner's legal representative;

must furnish to the occupying owner of the parcel of land where the material, labor, or machinery is delivered a written notice of the delivery or work and of the existence of lien rights not later than thirty (30) days after the date of first delivery or labor performed. The furnishing of the notice is a condition precedent to the right of acquiring a lien upon the lot or parcel of land or the improvement on the lot or parcel of land.

(i) A person, firm, partnership, limited liability company, or corporation that sells or furnishes on credit material, labor, or machinery for the original construction of a single or double family dwelling for the intended occupancy of the owner upon whose real estate the construction takes place to a contractor, subcontractor, mechanic, or anyone other than the owner or the owner's legal representatives must:

(1) furnish the owner of the real estate:

- (A) as named in the latest entry in the transfer books described in IC 6-1.1-5-4 of the county auditor; or
- (B) if IC 6-1.1-5-9 applies, as named in the transfer books of the township assessor;

with a written notice of the delivery or labor and the existence of lien rights not later than sixty (60) days after the date of the first delivery or labor performed; and

(2) file a copy of the written notice in the recorder's office of the county not later than sixty (60) days after the date of the first delivery or labor performed.

The furnishing and filing of the notice is a condition precedent to the right of acquiring a lien upon the real estate or upon the improvement constructed on the real estate.

(j) A lien for material or labor in original construction does not attach to real estate purchased by an innocent purchaser for value without notice of a single or double family dwelling for occupancy by the purchaser unless notice of intention to hold the lien is recorded under section 3 of this chapter before recording the deed by which the purchaser takes title.

SECTION 5. IC 32-28-3-3, AS ADDED BY P.L.2-2002, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. (a) Except as provided in subsection (b), a person who wishes to acquire a lien upon property, whether the claim is due or not, must file in duplicate a sworn statement and notice of the person's intention to hold a lien upon the property for the amount of the claim:

- (1) in the recorder's office of the county; and
- (2) not later than ninety (90) days after performing labor or furnishing materials or machinery described in section 1 of this chapter.

The statement and notice of intention to hold a lien may be verified and filed on behalf of a client by an attorney registered with the clerk of the supreme court as an attorney in good standing under the requirements of the supreme court.

(b) This subsection applies to a person that performs labor or furnishes materials or machinery described in section 1 of this chapter related to a Class 2 structure (as defined in IC 22-12-1-5) or an improvement on the same real estate auxiliary to a Class 2 structure (as defined in IC 22-12-1-5). A person who wishes to acquire a lien upon property, whether the claim is due or not, must file in duplicate a sworn statement and notice of the person's intention to hold a lien upon the property for the amount of the claim:

- (1) in the recorder's office of the county; and
- (2) not later than sixty (60) days after performing labor or furnishing materials or machinery described in section 1 of this chapter.

The statement and notice of intention to hold a lien may be verified and filed on behalf of a client by an attorney registered with the clerk of the supreme court as an attorney in good standing under the requirements of the supreme court.

(c) A statement and notice of intention to hold a lien filed under this section must specifically set forth:

- (1) the amount claimed, **including any fringe benefits and withholdings**;
- (2) the name and address of the claimant;
- (3) the owner's:
 - (A) name; and
 - (B) latest address as shown on the property tax records of the county; and
- (4) the:
 - (A) legal description; and
 - (B) street and number, if any;
 of the lot or land on which the house, mill, manufactory or other buildings, bridge, reservoir, system of waterworks, or other structure may stand or be connected with or to which it may be removed.

The name of the owner and legal description of the lot or land will be sufficient if they are substantially as set forth in the latest entry in the transfer books described in IC 6-1.1-5-4 of the county auditor or, if IC 6-1.1-5-9 applies, the transfer books of the township assessor at the time of filing of the notice of intention to hold a lien.

(d) The recorder shall:

- (1) mail, first class, one (1) of the duplicates of the statement and notice of intention to hold a lien to the owner named in the statement and notice not later than three (3) business days after recordation;
- (2) post records as to the date of the mailing; and
- (3) collect a fee of two dollars (\$2) from the lien claimant for each statement and notice that is mailed.

The statement and notice shall be addressed to the latest address of the owner as specifically set out in the sworn statement and notice of the person intending to hold a lien upon the property.

SECTION 6. IC 32-28-3-9, AS ADDED BY P.L.2-2002, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 9. (a) This section applies to a:

- (1) subcontractor;
- (2) lessor leasing construction and other equipment and tools, regardless of whether an operator is also provided by the lessor;
- (3) journeyman; or
- (4) laborer;

employed or leasing any equipment or tools used by the lessee in erecting, altering, repairing, or removing any house, mill, manufactory or other building, or bridge, reservoir, system of waterworks, or other structure or earth moving, or in furnishing any material or machinery for these activities.

(b) Except as provided in section 12 of this chapter, in order to acquire and hold a lien, a person described in subsection (a) must give to the property owner, or if the property owner is absent, to the property owner's agent, written notice particularly setting forth the amount of the person's claim **(including any fringe benefits and withholdings)** and services rendered for which:

- (1) the person's employer or lessee is indebted to the person; and
- (2) the person holds the property owner responsible.

(c) Subject to subsections (d) and (e), the property owner is liable for the person's claim.

(d) The property owner is liable to a person described in subsection (a) for not more than the amount that is due and may later become due from the owner to the employer or lessee.

(e) A person described in subsection (a) may recover the amount of the person's claim if, after the amounts of other claims that have priority are subtracted from the amount due from the property owner to the employer or lessee, the remainder of the amount due from the property owner to the employer or lessee is sufficient to pay the amount of the person's claim.

(f) This section applies to a person described in subsection (a) who gives written notice, to the property owner or, if the property owner is absent, to the owner's agent, before labor is performed or materials or machinery is furnished. The notice must particularly set forth the amount of:

- (1) labor the person has contracted to perform; or
- (2) materials or machinery the person has contracted to furnish;

for the employer or lessee in erecting, altering, repairing, or removing any of the buildings or other structures described in subsection (a). A person described in subsection (a) has the same rights and remedies against the property owner for the amount of the labor performed by the person or materials or machinery furnished by the person after the notice is given, as are provided in this chapter for persons who serve notice after performing the labor or furnishing the materials or machinery.

(g) If an action is brought against a property owner under this section, all subcontractors, equipment lessors leasing equipment, journeymen, and laborers who have:

- (1) performed labor or furnished materials or machinery; and
- (2) given notice under this section;

may become parties to the action. If, upon final judgment against the property owner the amount recovered and collected is not sufficient to pay the claimants in full, the amount recovered and collected shall be divided among the claimants pro rata.

SECTION 7. IC 32-28-3-12, AS ADDED BY P.L.2-2002, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 12. (a) This section applies to a person who:

(1) performs work or labor such as:

- (A) grading;
- (B) building embankments;
- (C) making excavations for track;
- (D) building:
 - (i) bridges;
 - (ii) trestlework;
 - (iii) works of masonry;
 - (iv) fencing; or
 - (v) other structures; or
- (E) performs work of any kind;

in the construction or repair of a railroad or part of a railroad in Indiana; or

(2) furnishes material for:

- (A) a bridge, trestlework, work of masonry, fence, or other structure; or
- (B) use in the construction or repair of a railroad or part of a railroad;

in Indiana.

(b) The work, labor, or material described in subsection (a) may be provided under a contract:

(1) with the railroad corporation building, repairing, or owning the railroad; or

(2) with a person, corporation, or company engaged as:

- (A) lessee;
- (B) contractor;
- (C) subcontractor; or
- (D) agent;

of the railroad corporation in the work of constructing or repairing the railroad or part of the railroad in Indiana.

(c) A person to whom this section applies may have a lien to the extent of the work or labor performed, **or the value of any fringe benefits and withholdings due**, material furnished, or **both, a combination of some or all of the amounts described in this subsection**, upon:

- (1) the right-of-way and franchises of the railroad corporation; and
- (2) the works and structures as set forth in this section that may be upon the right-of-way and franchise of the railroad corporation;

within the limits of the county in which the work or labor may be performed or the material may be furnished.

(d) A person performing work or labor or furnishing materials under a contract described in subsection (b)(2) is not required to give notice to the railroad corporation under section 9 of this chapter in order to acquire and hold a lien for labor performed, **including any fringe benefits and withholdings due**, or material furnished under the provisions of this section. The performance of the labor or the furnishing of the materials is sufficient notice to the railroad corporation. A lien that is acquired as set forth in this subsection shall be enforced as other mechanic's liens are enforced in Indiana.

(e) A person who, in doing business with a railroad company, has constructed a building or other improvement on a portion of the railroad right-of-way adjacent to the person's place of business may have a lien to the extent of the fair market value of the improvement on that portion of the right-of-way. The lien may be acquired and enforced:

- (1) upon abandonment of the right-of-way by the railroad company; and
- (2) against the successors in title of the railroad company.

This subsection does not apply to property that is subject to a written agreement providing for the disposition of improvements upon abandonment. Liens acquired under this subsection shall be enforced as other mechanic's liens are enforced in Indiana.

SECTION 8. IC 32-28-3-14, AS ADDED BY P.L.2-2002, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 14. (a) Except as provided in subsection (b), in an action to enforce a lien under this chapter, the plaintiff or lienholder may recover reasonable attorney's fees as a part of the judgment.

(b) A plaintiff may not recover attorney's fees as part of the judgment against a property owner in an action in which the contract

consideration for the labor (**including any fringe benefits and withholdings**), material, or machinery has been paid by the property owner or party for whom the improvement has been constructed.

SECTION 9. IC 32-28-3-15, AS ADDED BY P.L.2-2002, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 15. A person who knowingly or intentionally:

(1) performs labor, supplies services, or furnishes material or machinery in the:

- (A) construction;
- (B) repair; or
- (C) remodeling;

of a building, structure, or other work;

(2) accepts payment for the labor, services, material, or machinery furnished and supplied;

(3) at the time of receiving the payment, knows that the person is indebted to another for:

- (A) labor, including **fringe benefits and withholdings**, and the cost of renting or leasing construction and other equipment and tools, whether or not an operator is also provided by the lessor;
- (B) services;
- (C) material; or
- (D) machinery;

used or employed in the construction, repair, or remodeling;

(4) fails:

- (A) at the time of receiving the payment; and
- (B) with intent to defraud;

to notify in writing the person from whom the payment was received of the existence of the outstanding indebtedness; and

(5) causes the person from whom the payment was received to suffer a loss by failing under subdivision (4) to notify the person of the existence of the outstanding indebtedness;

commits a Class D felony.

SECTION 10. IC 32-28-3-16, AS ADDED BY P.L.101-2002, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 16. (a) This section applies to a construction contract for the construction, alteration, or repair of a building or structure other than:

(1) a Class 2 structure (as defined in IC 22-12-1-5) or an improvement on the same real estate auxiliary to a Class 2 structure (as defined in IC 22-12-1-5); or

(2) property that is:

- (A) owned, operated, managed, or controlled by a public utility (as defined in IC 8-1-2-1), a municipally owned utility (as defined in IC 8-1-2-1), a joint agency (as defined in IC 8-1-2-2), a rural electric membership corporation formed under IC 8-1-13-4, rural telephone cooperative corporation formed under IC 8-1-17, or a not-for-profit utility (as defined in IC 8-1-2-125) regulated under IC 8; and
- (B) intended to be used and useful for the production, transmission, delivery, or furnishing of heat, light, water, telecommunications services, or power to the public.

(b) A provision in a contract for the improvement of real estate in Indiana is void if the provision requires a person described in section 1 of this chapter who furnishes labor, **including any fringe benefits and withholdings due**, materials, or machinery to waive a right to:

- (1) a lien against real estate; or
- (2) a claim against a payment bond;

before the person is paid for the labor or materials furnished.

(c) A provision in a contract for the improvement of real estate in Indiana under which one (1) or more persons agree not to file a notice of intention to hold a lien is void."

Renumber all SECTIONS consecutively.

(Reference is to SB 389 as reprinted February 26, 2003.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 4.

LIGGETT, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Engrossed Senate Bill 401, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 25, nays 0.

CRAWFORD, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred Engrossed Senate Bill 446, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 8, delete "feet," and insert "feet;"

Page 2, line 8, strike "six (6) inches;"

Page 2, line 21, reset in roman "Sunday and the"

Page 2, line 23, delete "between:" and insert "between".

Page 2, line 24, delete "(A)".

Page 2, run in lines 23 through 24.

Page 2, line 25, delete "Saturday;" and insert "**Saturday**."

Page 2, line 25, after "Saturday;" strike "and".

Page 2, line 26, delete "(B)".

Page 2, line 26, strike "one-half (½) hour before sunrise and noon on".

Page 2, line 26, delete "Saturday" and insert "**Saturday**".

Page 2, line 27, delete "Sunday".

Page 4, line 8, reset in roman "Sunday and the"

Page 4, line 10, delete "between:" and insert "between".

Page 4, line 11, delete "(A)".

Page 4, run in lines 10 through 11.

Page 4, line 12, delete "Saturday;" and insert "**Saturday**".

Page 4, line 12, after "Saturday;" strike "and".

Page 4, line 13, delete "(B)".

Page 4, line 13, strike "one-half (½) hour before sunrise and noon on".

Page 4, line 13, delete "Saturday" and insert "**Saturday**".

Page 4, line 14, delete "Sunday".

Page 4, line 16, reset in roman "a".

Page 4, line 16, delete "one (1)".

(Reference is to SB 446 as printed February 12, 2003.)

and when so amended that said bill do pass.

Committee Vote: yeas 14, nays 0.

RESKE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred Engrossed Senate Bill 477, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 3, after "(a)" insert "**This section applies after December 31, 2003.**

(b)".

Page 1, line 5, delete "(b)" and insert "(c)".

Page 1, line 8, delete "(c)" and insert "(d)".

Page 1, line 13, delete "(d)" and insert "(e)".

Page 2, between lines 15 and 16, begin a new line double block indented and insert:

"(A) Parking spaces marked and available to conform with IC 5-16-9."

Page 2, line 16, delete "(A)" and insert "(B)".

Page 2, line 18, delete "(B)" and insert "(C)".

Page 2, line 19, delete "(C)" and insert "(D)".

Page 2, line 21, delete "(D)" and insert "(E)".

Page 2, delete lines 31 through 42, begin a new paragraph and insert:

"SECTION 5. IC 3-11-8-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. (a) Before each election each county executive shall secure for each precinct of the

county a ~~suitable room~~ **an accessible facility** in which to hold the election.

(b) If ~~there is no suitable room~~ **an accessible facility is not** available within the precinct, then the polls may be located in a public building in an adjoining precinct if the public building is:

(1) **either:**

(A) not more than one (1) mile from the closest boundary of the precinct for which it is the polls; or

(2) (B) located in the same township as the precinct that ~~has no suitable room~~ **does not have an accessible facility** available; if the polling place complies with accessibility requirements for disabled voters under 42 U.S.C. 1973ee through 1973ee-6; and

(2) **an accessible facility.**

(c) If the county election board, by a unanimous vote of its entire membership, determines that ~~there is no suitable room~~ **an accessible facility is not** available under subsection (b), the board may locate the polls in the most convenient available ~~room~~ **accessible facility** in the county. ~~that complies with the accessibility requirements for disabled voters."~~

Page 3, delete lines 1 through 8.

Page 4, delete lines 7 through 20.

Page 7, after line 1, begin a new paragraph and insert:

"SECTION 11. IC 3-11-8-4.2 IS REPEALED [EFFECTIVE JULY 1, 2003]."

Renumber all SECTIONS consecutively.

(Reference is to SB 477 as printed February 21, 2003.) and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

MAHERN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred Engrossed Senate Bill 503, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 23, after "public." insert **"In making its determination during the course of the study, the department shall consider:**

(1) **school bus routes;**

(2) **emergency service routes;**

(3) **hazardous materials routes;**

(4) **pedestrian traffic;**

(5) **trespassers;**

(6) **recreational facilities;**

(7) **trails; and**

(8) **measures to increase safety in the corridor, including:**

(A) **four (4) quadrant gates;**

(B) **median barriers;**

(C) **crossing closures;**

(D) **law enforcement programs; and**

(E) **public education."**

Page 2, line 23, begin a new line blocked left beginning with "The study".

Page 2, reset in roman lines 41 through 42.

Page 3, reset in roman line 1.

Page 3, line 2, reset in roman "(g)".

Page 3, line 2, delete "(f)".

Page 3, line 2, strike "not".

Page 3, line 4, delete "(g)" and insert "(h)".

(Reference is to SB 503 as reprinted March 4, 2003.) and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 0.

RESKE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Engrossed Senate Bill 505, has had the same under

consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 25, nays 0.

CRAWFORD, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Engrossed Senate Bill 556, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 26, nays 0.

CRAWFORD, Chair

Report adopted.

ENGROSSED SENATE BILLS ON SECOND READING

Engrossed Senate Bill 63

Representative Crawford called down Engrossed Senate Bill 63 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 120

Representative Klinker called down Engrossed Senate Bill 120 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 166

Representative Cochran called down Engrossed Senate Bill 166 for second reading. The bill was read a second time by title.

HOUSE MOTION

(Amendment 166-1)

Mr. Speaker: I move that Engrossed Senate Bill 166 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 4. IC 6-1.1-21.8-4, AS ADDED BY P.L.157-2002, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) The board shall determine the terms of a loan made under this chapter. However, the interest charged on the loan may not exceed the percent of increase in the United States Department of Labor Consumer Price Index for Urban Wage Earners and Clerical Workers during the most recent twelve (12) month period for which data is available as of the date that the unit applies for a loan under this chapter. **In the case of a qualified taxing unit that is not a school corporation**, a loan must be repaid not later than ten (10) years after the date on which the loan was made. **In the case of a qualified taxing unit that is a school corporation**, a loan must be repaid not later than eleven (11) years after the date on which the loan was made. **A school corporation is not required to begin making payments to repay a loan until after June 30, 2004.** The total amount of all the loans made under this chapter may not exceed twenty-eight million dollars (\$28,000,000). The board may disburse the proceeds of a loan in installments. However, not more than one-third (1/3) of the total amount to be loaned under this chapter may be disbursed at any particular time without the review of the budget committee and the approval of the budget agency.

(b) A loan made under this chapter shall be repaid only from:

(1) property tax revenues of the qualified taxing unit that are subject to the levy limitations imposed by IC 6-1.1-18.5 or IC 6-1.1-19; or

(2) any other source of revenues (other than property taxes) that is legally available to the qualified taxing unit.

The payment of any installment of principal constitutes a first charge against the property tax revenues described in subdivision (1) that are collected by the qualified taxing unit during the calendar year the installment is due and payable.

(c) The obligation to repay a loan made under this chapter is not a basis for the qualified taxing unit to obtain an excessive tax levy under IC 6-1.1-18.5 or IC 6-1.1-19.

(d) Whenever the board receives a payment on a loan made under this chapter, the board shall deposit the amount paid in the counter-cyclical revenue and economic stabilization fund.

(e) This section does not prohibit a qualified taxing unit from repaying a loan made under this chapter before the date specified in subsection (a) if a taxpayer described in section 3 of this chapter resumes paying property taxes to the qualified taxing unit.

(f) Interest accrues on a loan made under this chapter until the date the board receives notice from the county auditor that the county has adopted at least one (1) of the following:

(1) The county adjusted gross income tax under IC 6-3.5-1.1.

(2) The county option income tax under IC 6-3.5-6.

(3) The county economic development income tax under IC 6-3.5-7.

Notwithstanding subsection (a), interest may not be charged on a loan made under this chapter if a tax described in this subsection is adopted before a qualified taxing unit applies for the loan."

Page 7, line 25, delete "(e)" and insert "(f)".

Page 7, line 29, after "chapter," delete "(f)" and insert "(g)".

Page 7, line 33, strike "(g)" and insert "(h)".

Re-number all SECTIONS consecutively.

(Reference is to ESB 166 as printed March 21, 2003.)

AYRES

Motion prevailed.

HOUSE MOTION (Amendment 166-2)

Mr. Speaker: I move that Engrossed Senate Bill 166 be amended to read as follows:

Page 4, between lines 22 and 23, begin a new paragraph and insert:

"SECTION 3. IC 6-3.5-1.1-12, AS AMENDED BY P.L.90-2002, SECTION 293, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2004]: Sec. 12. (a) The part of a county's certified distribution for a calendar year that is to be used as property tax replacement credits shall be allocated by the county auditor among the civil taxing units and school corporations of the county.

(b) Except as provided in section 13 of this chapter, the amount of property tax replacement credits that each civil taxing unit and school corporation in a county is entitled to receive during a calendar year equals the product of:

(1) that part of the county's certified distribution that is dedicated to providing property tax replacement credits for that same calendar year; multiplied by

(2) a fraction:

(A) The numerator of the fraction equals the ~~sum of the total property taxes being collected by the civil taxing unit or school corporation~~ **civil taxing unit's or school corporation's maximum permissible property tax levy** during that calendar year, plus with respect to a civil taxing unit, the amount of federal revenue sharing funds and certified shares received by it during that calendar year to the extent that they are used to reduce its property tax levy below the limit imposed by IC 6-1.1-18.5 for that same calendar year.

(B) The denominator of the fraction equals the ~~sum of the total property taxes being collected by all civil taxing units and school corporations~~ **maximum permissible property tax levies of all civil taxing units and school corporations in the county**, plus the amount of federal revenue sharing funds and certified shares received by all civil taxing units in the county to the extent that they are used to reduce the civil taxing units' property tax levies below the limits imposed by IC 6-1.1-18.5 for that same calendar year.

(c) The department of local government finance shall provide each county auditor with the amount of property tax replacement credits that each civil taxing unit and school corporation in the auditor's county is entitled to receive. The county auditor shall then certify to

each civil taxing unit and school corporation the amount of property tax replacement credits it is entitled to receive (after adjustment made under section 13 of this chapter) during that calendar year. The county auditor shall also certify these distributions to the county treasurer.

SECTION 4. IC 6-3.5-1.1-15, AS AMENDED BY P.L.120-2002, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2004]: Sec. 15. (a) As used in this section, "attributed levy" of a civil taxing unit means the sum of:

(1) the ~~ad valorem maximum permissible~~ property tax levy of the civil taxing unit ~~that is currently being collected~~ at the time the allocation is made; plus

(2) the ~~current maximum permissible~~ ad valorem property tax levy of any special taxing district, authority, board, or other entity formed to discharge governmental services or functions on behalf of or ordinarily attributable to the civil taxing unit; plus

(3) the amount of federal revenue sharing funds and certified shares that were used by the civil taxing unit (or any special taxing district, authority, board, or other entity formed to discharge governmental services or functions on behalf of or ordinarily attributable to the civil taxing unit) to reduce its ad valorem property tax levies below the limits imposed by IC 6-1.1-18.5; plus

(4) in the case of a county, an amount equal to:

(A) the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund; plus
(B) after December 31, 2004, the greater of zero (0) or the difference between:

(i) the county hospital care for the indigent property tax levy imposed by the county in 2004, adjusted each year after 2004 by the statewide average assessed value growth quotient described in IC 12-16-14-3; minus

(ii) the current uninsured parents program property tax levy imposed by the county.

(b) The part of a county's certified distribution that is to be used as certified shares shall be allocated only among the county's civil taxing units. Each civil taxing unit of a county is entitled to receive a percentage of the certified shares to be distributed in the county equal to the ratio of its attributed levy to the total attributed levies of all civil taxing units of the county.

(c) The local government tax control board established by IC 6-1.1-18.5-11 shall determine the attributed levies of civil taxing units that are entitled to receive certified shares during a calendar year. If the ~~ad valorem maximum permissible~~ property tax levy of any special taxing district, authority, board, or other entity is attributed to another civil taxing unit under subsection ~~(b)(2)~~; **(a)(2)**, then the special taxing district, authority, board, or other entity shall not be treated as having an attributed levy of its own. The local government tax control board shall certify the attributed levy amounts to the appropriate county auditor. The county auditor shall then allocate the certified shares among the civil taxing units of the auditor's county.

(d) Certified shares received by a civil taxing unit shall be treated as additional revenue for the purpose of fixing its budget for the calendar year during which the certified shares will be received. The certified shares may be allocated to or appropriated for any purpose, including property tax relief or a transfer of funds to another civil taxing unit whose levy was attributed to the civil taxing unit in the determination of its attributed levy."

Page 8, between lines 25 and 26, begin a new paragraph and insert:

"SECTION 11. IC 6-3.5-6-18, AS AMENDED BY P.L.1-2003, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2004]: Sec. 18. (a) The revenue a county auditor receives under this chapter shall be used to:

(1) replace the amount, if any, of property tax revenue lost due to the allowance of an increased homestead credit within the county;

(2) fund the operation of a public communications system and computer facilities district as provided in an election, if any, made by the county fiscal body under IC 36-8-15-19(b);

(3) fund the operation of a public transportation corporation as provided in an election, if any, made by the county fiscal body under IC 36-9-4-42;

(4) make payments permitted under IC 36-7-15.1-17.5;

(5) make payments permitted under subsection (I); and

(6) make distributions of distributive shares to the civil taxing units of a county.

(b) The county auditor shall retain from the payments of the county's certified distribution, an amount equal to the revenue lost, if any, due to the increase of the homestead credit within the county. This money shall be distributed to the civil taxing units and school corporations of the county as though they were property tax collections and in such a manner that no civil taxing unit or school corporation shall suffer a net revenue loss due to the allowance of an increased homestead credit.

(c) The county auditor shall retain the amount, if any, specified by the county fiscal body for a particular calendar year under subsection (I), IC 36-7-15.1-17.5, IC 36-8-15-19(b), and IC 36-9-4-42 from the county's certified distribution for that same calendar year. The county auditor shall distribute amounts retained under this subsection to the county.

(d) All certified distribution revenues that are not retained and distributed under subsections (b) and (c) shall be distributed to the civil taxing units of the county as distributive shares.

(e) The amount of distributive shares that each civil taxing unit in a county is entitled to receive during a month equals the product of the following:

(1) The amount of revenue that is to be distributed as distributive shares during that month; multiplied by

(2) A fraction. The numerator of the fraction equals the ~~total property taxes that are first due and payable to the civil taxing unit~~ **civil taxing unit's maximum permissible property tax levy** during the calendar year in which the month falls, plus, for a county, an amount equal to the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund, and after December 31, 2004, the greater of zero (0) or the difference between the county hospital care for the indigent property tax levy imposed by the county in 2004, adjusted each year after 2004 by the statewide average assessed value growth quotient described in IC 12-16-14-3, minus the current uninsured parents program property tax levy imposed by the county. The denominator of the fraction equals the sum of the ~~total property taxes that are first due and payable to~~ **maximum permissible property tax levies of all civil taxing units of the county during the calendar year in which the month falls, plus an amount equal to the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund, and after December 31, 2004, the greater of zero (0) or the difference between the county hospital care for the indigent property tax levy imposed by the county in 2004, adjusted each year after 2004 by the statewide average assessed value growth quotient described in IC 12-16-14-3, minus the current uninsured parents program property tax levy imposed by the county.**

(f) The department of local government finance shall provide each county auditor with the fractional amount of distributive shares that each civil taxing unit in the auditor's county is entitled to receive monthly under this section.

(g) Notwithstanding subsection (e), if a civil taxing unit of an adopting county does not impose a property tax levy that is first due and payable in a calendar year in which distributive shares are being distributed under this section, that civil taxing unit is entitled to receive a part of the revenue to be distributed as distributive shares under this section within the county. The fractional amount such a civil taxing unit is entitled to receive each month during that calendar year equals the product of the following:

(1) The amount to be distributed as distributive shares during that month; multiplied by

(2) A fraction. The numerator of the fraction equals the budget of that civil taxing unit for that calendar year. The denominator of the fraction equals the aggregate budgets of all civil taxing units of that county for that calendar year.

(h) If for a calendar year a civil taxing unit is allocated a part of a county's distributive shares by subsection (g), then the formula used in subsection (e) to determine all other civil taxing units' distributive shares shall be changed each month for that same year by reducing the amount to be distributed as distributive shares under subsection (e) by the amount of distributive shares allocated under subsection (g) for that same month. The department of local government finance shall make any adjustments required by this subsection and provide them to the appropriate county auditors.

(i) Notwithstanding any other law, a county fiscal body may pledge revenues received under this chapter to the payment of bonds or lease rentals to finance a qualified economic development tax project under IC 36-7-27 in that county or in any other county if the county fiscal body determines that the project will promote significant opportunities for the gainful employment or retention of employment of the county's residents."

Page 11, between lines 7 and 8, begin a new paragraph and insert: "SECTION 15. IC 6-3.5-7-12, AS AMENDED BY P.L.192-2002(ss), SECTION 122, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2004]: Sec. 12. (a) Except as provided in sections 23, 25, and 26 of this chapter, the county auditor shall distribute in the manner specified in this section the certified distribution to the county.

(b) Except as provided in subsections (c) and (h) and sections 15 and 25 of this chapter, the amount of the certified distribution that the county and each city or town in a county is entitled to receive during May and November of each year equals the product of the following:

(1) The amount of the certified distribution for that month; multiplied by

(2) A fraction. The numerator of the fraction equals the sum of the following:

(A) ~~Total property taxes that are first due and payable to The~~ **maximum permissible property tax levy of the county, city, or town during the calendar year in which the month falls; plus**

(B) For a county, an amount equal to:

(i) the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund; plus

(ii) after December 31, 2004, the greater of zero (0) or the difference between the county hospital care for the indigent property tax levy imposed by the county in 2004, adjusted each year after 2004 by the statewide average assessed value growth quotient described in IC 12-16-14-3, minus the current uninsured parents program property tax levy imposed by the county.

The denominator of the fraction equals the sum of the ~~total property taxes that are first due and payable to~~ **maximum permissible property tax levy of the county and all cities and towns of the county during the calendar year in which the month falls, plus an amount equal to the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund, and after December 31, 2004, the greater of zero (0) or the difference between the county hospital care for the indigent property tax levy imposed by the county in 2004, adjusted each year after 2004 by the statewide average assessed value growth quotient described in IC 12-16-14-3, minus the current uninsured parents program property tax levy imposed by the county.**

(c) This subsection applies to a county council or county income tax council that imposes a tax under this chapter after June 1, 1992. The body imposing the tax may adopt an ordinance before July 1 of a year to provide for the distribution of certified distributions under this subsection instead of a distribution under subsection (b). The following apply if an ordinance is adopted under this subsection:

(1) The ordinance is effective January 1 of the following year.

(2) Except as provided in sections 25 and 26 of this chapter, the amount of the certified distribution that the county and each city and town in the county is entitled to receive during May and November of each year equals the product of:

(A) the amount of the certified distribution for the month; multiplied by

(B) a fraction. For a city or town, the numerator of the fraction equals the population of the city or the town. For a county, the numerator of the fraction equals the population of the part of the county that is not located in a city or town. The denominator of the fraction equals the sum of the population of all cities and towns located in the county and the population of the part of the county that is not located in a city or town.

(3) The ordinance may be made irrevocable for the duration of specified lease rental or debt service payments.

(d) The body imposing the tax may not adopt an ordinance under subsection (c) if, before the adoption of the proposed ordinance, any of the following have pledged the county economic development income tax for any purpose permitted by IC 5-1-14 or any other statute:

- (1) The county.
- (2) A city or town in the county.
- (3) A commission, a board, a department, or an authority that is authorized by statute to pledge the county economic development income tax.

(e) The department of local government finance shall provide each county auditor with the fractional amount of the certified distribution that the county and each city or town in the county is entitled to receive under this section.

(f) Money received by a county, city, or town under this section shall be deposited in the unit's economic development income tax fund.

(g) Except as provided in subsection (b)(2)(B), in determining the fractional amount of the certified distribution the county and its cities and towns are entitled to receive under subsection (b) during a calendar year, the department of local government finance shall consider only property taxes imposed on tangible property subject to assessment in that county.

(h) In a county having a consolidated city, only the consolidated city is entitled to the certified distribution, subject to the requirements of sections 15, 25, and 26 of this chapter."

Page 12, between lines 7 and 8, begin a new paragraph and insert: "SECTION 19. [EFFECTIVE JANUARY 1, 2004] **IC 6-3.5-1.1-12, IC 6-3.5-1.1-15, IC 6-3.5-6-18, and IC 6-3.5-7-12, all as amended by this act, apply to calendar years beginning after December 31, 2003.**"

Renumber all SECTIONS consecutively.

(Reference is to ESB 166 as printed March 21, 2003.)

THOMPSON

After discussion, Representative Thompson withdrew the motion.

There being no further amendments, the bill was ordered engrossed.

Engrossed Senate Bill 182

Representative Welch called down Engrossed Senate Bill 182 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 207

Representative Bottorff called down Engrossed Senate Bill 207 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 220

Representative C. Brown called down Engrossed Senate Bill 220 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 240

Representative Reske called down Engrossed Senate Bill 240 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 247

Representative Weinzapfel called down Engrossed Senate Bill 247

for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 318

Representative Kromkowski called down Engrossed Senate Bill 318 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 320

Representative Mahern called down Engrossed Senate Bill 320 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 460

Representative C. Brown called down Engrossed Senate Bill 460 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 460-1)

Mr. Speaker: I move that Engrossed Senate Bill 460 be amended to read as follows:

Page 3, line 34, delete "general" insert **"general, the Health Professions Bureau under IC 25-1-5, and to each board and committee listed in IC 25-1-5-3(a)(1) through IC 25-1-5-3(a)(11) and IC 25-1-5-3(a)(13) through IC 25-1-5-3 (a)(22)".**

(Reference is to ESB 460 as printed March 21, 2003.)

T. BROWN

Motion prevailed.

HOUSE MOTION
(Amendment 460-2)

Mr. Speaker: I move that Engrossed Senate Bill 460 be amended to read as follows:

Page 1, line 8, strike "or is receiving assistance" and insert **"is receiving assistance, or is participating in the Medicaid buy-in program under IC 12-15-41."**

(Reference is to ESB 460 as printed March 21, 2003.)

T. BROWN

Motion failed. The bill was ordered engrossed.

Engrossed Senate Bill 422

Representative Crawford called down Engrossed Senate Bill 422 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 422-2)

Mr. Speaker: I move that Engrossed Senate Bill 422 be amended to read as follows:

Page 3, between lines 31 and 32, begin a new paragraph and insert:

"SECTION 4. IC 6-3-2-8, AS AMENDED BY P.L.289-2001, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2004]: Sec. 8. (a) For purposes of this section, "qualified employee" means an individual who is employed by a taxpayer, **a pass through entity**, an employer exempt from adjusted gross income tax (IC 6-3-1 through IC 6-3-7) under IC 6-3-2-2.8(3), IC 6-3-2-2.8(4), or IC 6-3-2-2.8(5), a nonprofit entity, the state, a political subdivision of the state, or the United States government and who:

- (1) has the employee's principal place of residence in the enterprise zone in which the employee is employed;
- (2) performs services for the taxpayer, the employer, the nonprofit entity, the state, the political subdivision, or the United States government, ninety percent (90%) of which are directly related to:

- (A) the conduct of the taxpayer's or employer's trade or business; or
- (B) the activities of the nonprofit entity, the state, the political subdivision, or the United States government; that is located in an enterprise zone; and
- (3) performs at least fifty percent (50%) of the employee's service for the taxpayer or employer during the taxable year in

the enterprise zone.

(b) For purposes of this section, "pass through entity" means a:

- (1) corporation that is exempt from the adjusted gross income tax under IC 6-3-2-2.8(2);
- (2) partnership;
- (3) trust;
- (4) limited liability company; or
- (5) limited liability partnership.

(c) Except as provided in subsection ~~(c)~~, (d), a qualified employee is entitled to a deduction from his adjusted gross income in each taxable year in the amount of the lesser of:

- (1) one-half (½) of his adjusted gross income for the taxable year that he earns as a qualified employee; or
- (2) seven thousand five hundred dollars (\$7,500).

~~(c)~~ (d) No qualified employee is entitled to a deduction under this section for a taxable year that begins after the termination of the enterprise zone in which he resides."

Page 13, between lines 31 and 32, begin a new paragraph and insert:

"SECTION 15. [EFFECTIVE JANUARY 1, 2004] **IC 6-3-2-8, as amended by this act, applies to taxable years beginning after December 31, 2003.**"

Renumber all SECTIONS consecutively.

(Reference is to ESB 422 as printed March 21, 2003.)

FRENZ

Motion prevailed.

HOUSE MOTION (Amendment 422-3)

Mr. Speaker: I move that Engrossed Senate Bill 422 be amended to read as follows:

Page 13, between lines 24 and 25, begin a new paragraph and insert:

"SECTION 13. P.L.192-2002(ss), SECTION 199 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2003 (RETROACTIVE)]: SECTION 199. (a) This SECTION applies to a taxpayer that:

- (1) was subject to the gross income tax under IC 6-2.1 before January 1, 2003; and
- (2) has a taxable year that begins before January 1, 2003, and ends after December 31, 2002.

(b) A taxpayer shall file the taxpayer's estimated gross income tax return and pay the taxpayer's estimated gross income tax liability to the department of state revenue as provided in IC 6-2.1-5-1.1 ~~for due dates that occur before January 1, 2003; (before its repeal).~~

(c) Not later than April 15, 2003, a taxpayer shall file a **Except as otherwise provided in 45 IAC 1.1-5-3, the final gross income tax return with the department of state revenue of a taxpayer is due on the fifteenth day of the fourth month following the end of the taxpayer's regular taxable year determined as if IC 6-2.1 had not been repealed by P.L.192-2002(ss). The taxpayer shall file the final gross income tax return on a form and in the manner prescribed by the department of state revenue. At the time of filing the final gross income tax return, a taxpayer shall pay to the department of state revenue an amount equal to the remainder of:**

- (1) the total gross income tax liability incurred by the taxpayer for the part of the taxpayer's taxable year that occurred in calendar year 2002; minus
- (2) the sum of:
 - (A) the total amount of gross income taxes that was previously paid by the taxpayer to the department of state revenue for any quarter of that same part of the taxpayer's taxable year; plus
 - (B) any gross income taxes that were withheld from the taxpayer for that same part of the taxpayer's taxable year under IC 6-2.1-6.

(d) **The department of state revenue may prescribe forms and procedures for reconciling the returns and tax due under P.L.192-2002(ss), SECTION 199 before the enactment of this amendment and the returns and tax due under P.L.192-2002(ss), SECTION 199, as amended by this SECTION. The procedures**

may include procedures for granting an automatic extension for the filing of some or all returns due before April 16, 2003, under P.L.192-2002(ss), SECTION 199 before the enactment of this amendment."

Renumber all SECTIONS consecutively.

(Reference is to ESB 422 as printed March 21, 2003.)

FRENZ

Motion prevailed.

HOUSE MOTION (Amendment 422-4)

Mr. Speaker: I move that Engrossed Senate Bill 422 be amended to read as follows:

Page 13, between lines 24 and 25, begin a new paragraph and insert:

"SECTION 13. P.L.192-2002(ss), SECTION 199, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002 (RETROACTIVE)]: SECTION 199. (a) This SECTION applies to a taxpayer that:

- (1) was subject to the gross income tax under IC 6-2.1 before January 1, 2003; ~~and~~
- (2) has a taxable year that begins before January 1, 2003, and ends after December 31, 2002; ~~and~~
- (3) **is not subject to the adjusted gross income tax under IC 6-3 in the taxpayer's taxable year.**

(b) A taxpayer shall file the taxpayer's estimated gross income tax return and pay the taxpayer's estimated gross income tax liability to the department of state revenue as provided in IC 6-2.1-5-1.1 for due dates that occur before January 1, 2003.

(c) Not later than April 15, 2003, a taxpayer shall file a final gross income tax return with the department of state revenue on a form and in the manner prescribed by the department of state revenue. At the time of filing the final gross income tax return, a taxpayer shall pay to the department of state revenue an amount equal to the remainder of:

- (1) the total gross income tax liability incurred by the taxpayer for the part of the taxpayer's taxable year that occurred in calendar year 2002; minus
- (2) the sum of:
 - (A) the total amount of gross income taxes that was previously paid by the taxpayer to the department of state revenue for any quarter of that same part of the taxpayer's taxable year; plus
 - (B) any gross income taxes that were withheld from the taxpayer for that same part of the taxpayer's taxable year under IC 6-2.1-6.

SECTION 14. P.L.192-2002(ss), SECTION 200, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002 (RETROACTIVE)]: SECTION 200. (a) This SECTION applies to a corporate taxpayer that:

- (1) pays adjusted gross income tax under IC 6-3-1 through IC 6-3-7; and
- (2) has a taxable year that begins before January 1, 2003, and ends after December 31, 2002.

(b) **This subsection applies to a corporate taxpayer that was not subject to the gross income tax under IC 6-2.1 (repealed) before January 1, 2003.** The rate of the adjusted gross income tax imposed under IC 6-3-2-1 for that taxable year is a rate equal to the sum of:

- (1) three and four-tenths percent (3.4%) multiplied by a fraction, the numerator of which is the number of days in the taxpayer's taxable year that occurred before January 1, 2003, and the denominator of which is the total number of days in the taxable year; and
- (2) eight and five-tenths percent (8.5%) multiplied by a fraction, the numerator of which is the number of days in the taxpayer's taxable year that occurred after December 31, 2002, and the denominator of which is the total number of days in the taxable year.

(c) However, the rate determined under this SECTION shall be rounded to the nearest one-hundredth of one percent (0.01%).

(d) This subsection applies to a taxpayer that was also subject to the gross income tax under IC 6-2.1 (repealed) before January 1, 2003. The total tax liability of the taxpayer under IC 6-2.1 (repealed) and IC 6-3-1 through IC 6-3-7 for the taxable year is the amount determined in STEP SEVEN of the following formula:

STEP ONE: Determine, under IC 6-3, an amount equal to the product of the adjusted gross income derived from sources within Indiana of the corporation multiplied by an adjusted gross income tax rate of three and four-tenths percent (3.4%).

STEP TWO: Multiply the STEP ONE amount by a fraction, the numerator of which is the number of days in the taxpayer's taxable year that occurred before January 1, 2003, and the denominator of which is the total number of days in the taxable year.

STEP THREE: Determine the amount of gross income tax that would be payable under IC 6-2.1-2-2 in the taxable year if 6-2.1-2-2 had not been repealed by P.L.192-2002(ss) for gross receipts received before January 1, 2003.

STEP FOUR: Determine the greater of the STEP TWO amount or the STEP THREE amount.

STEP FIVE: Determine, under IC 6-3, an amount equal to the product of the adjusted gross income derived from sources within Indiana of the corporation multiplied by an adjusted gross income tax rate of eight and five-tenths percent (8.5%).

STEP SIX: Multiply the STEP FIVE amount by a fraction, the numerator of which is the number of days in the taxpayer's taxable year that occurred after December 31, 2002, and the denominator of which is the total number of days in the taxable year.

STEP SEVEN: Determine the sum of the STEP FOUR amount and the STEP SIX amount.

(e) The one thousand dollar (\$1,000) basic deduction (IC 6-2.1-4-1 (repealed)) and the resource recovery system depreciation deduction (IC 6-2.1-4-3 (repealed)) for the tax imposed under IC 6-2.1 (before its repeal) for the final taxable year of the taxpayer is equal to the deduction computed under IC 6-2.1 (repealed) for the taxpayer's full taxable year under the Internal Revenue Code multiplied by a fraction. The numerator of the fraction is the number of days in the taxpayer's taxable year that the taxpayer was subject to gross income tax before January 1, 2003, and the denominator is the total number of days in the taxable year under the Internal Revenue Code for purposes of federal income taxation.

(f) The department of state revenue may prescribe forms and procedures for reconciling the returns and tax due under P.L.192-2002(ss), SECTION 200 before the enactment of this amendment and the returns and tax due under P.L.192-2002(ss), SECTION 200, as amended by this SECTION. The procedures may include procedures for granting an automatic extension for filing some or all returns due before April 16, 2003, under P.L.192-2002(ss), SECTION 200 before the enactment of this amendment."

Renumber all SECTIONS consecutively.
(Reference is to ESB 422 as printed March 21, 2003.)

KOCH

Motion prevailed.

HOUSE MOTION (Amendment 422-6)

Mr. Speaker: I move that Engrossed Senate Bill 422 be amended to read as follows:

Page 3, after line 20, begin a new paragraph and insert:
"SECTION 3. IC 6-2.5-5-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]:

Sec. 20. (a) Sales of food for human consumption are exempt from the state gross retail tax.

(b) For purposes of this section, the term "food for human consumption" includes:

- (1) cereals and cereal products;

- (2) milk and milk products, including ice cream;
- (3) meat and meat products;
- (4) fish and fish products;
- (5) eggs and egg products;
- (6) vegetables and vegetable products;
- (7) fruit and fruit products, including fruit juices;
- (8) sugar, sugar substitutes, and sugar products;
- (9) coffee and coffee substitutes;
- (10) tea, cocoa, and cocoa products;
- (11) spices, condiments, extracts, and salt;
- (12) oleomargarine; and
- (13) natural spring water.

(c) For purposes of this section, the term "food for human consumption" does not include:

- (1) candy, confectionery, and chewing gum;
- (2) alcoholic beverages;
- (3) cocktail mixes;
- (4) soft drinks, sodas, and other similar beverages;
- (5) medicines, tonics, vitamins, and other dietary supplements;
- (6) water (except natural spring water **bottled from a source in Indiana**), mineral water, carbonated water, and ice;
- (7) pet food;
- (8) food furnished, prepared, or served for consumption at a location, or on equipment, provided by the retail merchant;
- (9) meals served by a retail merchant off the merchant's premises;
- (10) food sold by a retail merchant who ordinarily bags, wraps, or packages the food for immediate consumption on or near the merchant's premises, including food sold on a "take out" or "to go" basis; and
- (11) food sold through a vending machine or by a street vendor."

Renumber all SECTIONS consecutively.
(Reference is to ESB 422 as printed March 21, 2003.)

RUPPEL

Motion failed. The bill was ordered engrossed.

Engrossed Senate Bill 451

Representative Klinker called down Engrossed Senate Bill 451 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 451-3)

Mr. Speaker: I move that Engrossed Senate Bill 451 be amended to read as follows:

Page 3, between lines 30 and 31, begin a new paragraph and insert:

"(c) If the construction professional terminates a proposal or offer under section 3(c) of this chapter, the claimant may bring an action against the construction professional for the construction defect claim described in the notice of claim."

Page 3, line 31, delete "(c)" and insert "(d)".
(Reference is to ESB 451 as printed March 28, 2003.)

KLINKER

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 455

Representative Frenz called down Engrossed Senate Bill 455 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

The Deputy Speaker Pro Tempore yielded the gavel to the Speaker.

Engrossed Senate Bill 464

Representative Crawford called down Engrossed Senate Bill 464 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 464-3)

Mr. Speaker: I move that Engrossed Senate Bill 464 be amended

to read as follows:

Page 6, between lines 11 and 12, begin a new paragraph and insert:

"SECTION 5. IC 6-1.1-21.2-12, AS ADDED BY P.L.192-2002(ss), SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) **Except as provided in subsections (c)(2) and (e)**, a tax is imposed each year on all taxable property in the district in which the governing body exercises jurisdiction.

(b) Except as provided in subsections (c), ~~and (d), and (f), the a~~ tax imposed under ~~this section subsection (a)~~ shall be automatically imposed at a rate sufficient to generate the tax increment replacement amount determined under section 11(b) of this chapter for that year.

(c) The legislative body of the unit that established the district may:

- (1) reduce the amount of ~~the a~~ tax to be levied under ~~this section; or subsection (a) or (e)~~;
- (2) determine that no tax should be levied under this section;
- (3) **determine that a tax should be levied under subsection (e) instead of a tax being imposed under subsection (a); or**
- (4) **determine that a combination of taxes should be levied under subsection (f) instead of a tax being imposed solely under either subsection (a) or (e).**

(d) This subsection applies to a district in which the total assessed value of all allocation areas in the district is greater than ten percent (10%) of the total assessed value of the district. Except as provided in section 14(d) of this chapter, a tax levy imposed under ~~this section subsection (a)~~ may not exceed the lesser of:

- (1) the tax increment replacement amount; or
- (2) the amount that will result from the imposition of a rate for the tax levy that the department of local government finance estimates will cause the total tax rate in the district to be one hundred ten percent (110%) of the rate that would apply if the tax levy authorized by ~~this chapter subsection (a)~~ were not imposed for the year.

(e) **If the legislative body of the unit that established the district determines that a tax should be levied under this subsection instead of a tax being imposed under subsection (a), the legislative body may impose a tax each year on all taxable property in each allocation area located in the district. Unless the amount of a tax to be levied under this subsection is reduced under subsection (c), a tax imposed under this subsection shall be imposed at a rate sufficient to generate the tax increment replacement amount determined under section 11(b) of this chapter for that year.**

(f) **If the legislative body of the unit that established the district determines that a combination of taxes should be levied under this subsection instead of a tax being imposed solely under either subsection (a) or (e), the sum of the tax levies imposed upon:**

- (1) all taxable property in the district in which the governing body exercises jurisdiction; and
- (2) all taxable property in each allocation area located in the district;

may not exceed the tax increment replacement amount determined under section 11(b) of this chapter for that year."

Renumber all SECTIONS consecutively.

(Reference is to ESB 464 as printed March 21, 2003.)

THOMPSON

Upon request of Representatives Thompson and Bosma, the Chair ordered the roll of the House to be called. Roll Call 421: yeas 45, nays 46. Motion failed. The bill was ordered engrossed.

Engrossed Senate Bill 493

Representative C. Brown called down Engrossed Senate Bill 493 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 494

Representative Avery called down Engrossed Senate Bill 494 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 494-1)

Mr. Speaker: I move that Engrossed Senate Bill 494 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 6-1.1-41-1, AS AMENDED BY P.L.129-1999, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. This chapter applies to establishing and imposing a tax levy for cumulative funds under the following:

(1) IC 3-11-6.

(2) IC 8-10-5.

(3) IC 8-16-3.

(4) IC 8-16-3.1.

(5) IC 8-22-3.

IC 13-26-15.

(6) IC 14-27-6.

(7) IC 14-33-21.

(8) IC 16-22-4.

(9) IC 16-22-8.

(10) IC 36-8-14.

(11) IC 36-9-4.

(12) IC 36-9-14.

(13) IC 36-9-14.5.

(14) IC 36-9-15.

(15) IC 36-9-15.5.

(16) IC 36-9-16.

(17) IC 36-9-17.

(18) IC 36-9-17.5.

(19) IC 36-9-26.

(20) IC 36-9-27.

(21) IC 36-10-3.

(22) IC 36-10-4.

(23) IC 36-10-7.5.

(24) Any other statute that specifies that a property tax levy may be imposed under this chapter."

Page 2, between lines 5 and 6, begin a new paragraph and insert:

"SECTION 3. IC 13-26-5-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 9. **The board of trustees of a district may establish a cumulative improvement fund for the district and impose a special benefits levy for the fund in conformity with IC 13-26-15.**

SECTION 4. IC 13-26-6-5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5. (a) **As the result of:**

- (1) experience gained in the construction or operation of the works of a district; or
- (2) changed conditions;

the district plan may be amended in any way as long as the amended plan conforms to the other requirements of this article.

(b) **An amendment to a district plan is effective when the department approves it. If the department disapproves an amendment to a district plan, the department may recommend revisions and authorize the district to proceed with a revised plan.**

(c) **A district is not dissolved if the department does not approve an amendment to the district plan.**

SECTION 5. IC 13-26-7-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. When a district receives revenue for its operations, **a special benefits levy under IC 13-26-15 (to the extent an advance is for a purpose of the cumulative improvement fund)**, or proceeds from the sale of bonds, the district shall repay any money advanced to the advancing agency in the manner agreed.

SECTION 6. IC 13-26-10-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. A district may obtain money for the payment of the costs of the works or an improvement, enlargement, or extension of the works by the issuance of revenue bonds of the district. The principal and interest of the revenue bonds must be paid **by either of the following methods:**

- (1) Solely from the net revenues of the works.
(2) Against the real property of the district in anticipation of the collection of a special benefits tax levy under IC 13-26-15. Bonds issued against the real property of the district may be paid in part by revenues derived from reasonable charges for services or property produced incident to the operation of the district.

SECTION 7. IC 13-26-10-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. A district obtaining a loan from the federal government or an agency of the federal government may issue obligations under this article to the federal government or agency to evidence the indebtedness without advertising for or receiving bids. The obligations:

- (1) are payable solely from the net revenues of the works **or the special benefits tax levy under IC 13-26-15, or both, as specified in the loan agreement;** and
 (2) may be made of equal priority or subordinate to other ~~revenue~~ bonds issued or to be issued under this article or IC 13-3-2 (before its repeal).

SECTION 8. IC 13-26-10-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. ~~Revenue~~ Bonds may:

- (1) bear interest, at a rate or rates not exceeding the maximum determined by the board, that is payable annually or at shorter intervals;
 (2) mature at a time or times to be determined by ordinance; and
 (3) be made redeemable before maturity at the option of the district, to be exercised by the board, at not more than the par value and a premium not exceeding five percent (5%) under terms and conditions that are fixed by the ordinance authorizing the issuance of the bonds.

SECTION 9. IC 13-26-10-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. The principal and interest of ~~revenue~~ bonds may be made payable in any lawful medium. The ordinance must do the following:

- (1) Determine the form of the bonds, including the interest coupons, if any, to be attached.
 (2) Fix the denomination or denominations of the bonds and the place or places of payment of the principal and interest, which may be any bank or trust company within or outside Indiana.

SECTION 10. IC 13-26-10-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5. (a) ~~The Subject to subsection (e),~~ revenue bonds must contain a statement on the face of the bonds that the district is not obligated to pay the bonds or the interest on the bonds except from the special fund provided from the net revenues of the works.

- (b) All bonds are negotiable instruments.
 (c) The bonds and interest are exempt from all state, county, and municipal taxation.

(d) The bonds may be registered in the name of the owner:

- (1) as to principal alone; or
 (2) as to both principal and interest.

Fully registered bonds may be made convertible to coupon bonds at the option of the registered owner.

(e) The board may covenant with the holders of bonds to pay:

- (1) a certain percentage of principal and interest from revenue; and**
(2) a certain percentage from the special benefits levy imposed under IC 13-26-15.

SECTION 11. IC 13-26-10-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 7. (a) Subject to subsection (b), the treasurer of the district shall sell the ~~revenue~~ bonds in a manner and at a price that is determined to be in the best interests of the district.

(b) If the bonds are sold at public sale, the bonds shall be sold in accordance with IC 5-1-11 as IC 5-1-11 applies to counties.

SECTION 12. IC 13-26-10-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 8. (a) A surplus of ~~revenue~~ bond proceeds over the cost of the works shall be paid into the sinking fund provided by this article.

(b) If the proceeds of the bonds, by error of calculation or

otherwise, are less than the cost of the works, additional bonds may in the same manner be issued to provide the amount of the deficit. Unless otherwise provided in:

- (1) the ordinance authorizing the issuance of the bonds first issued; or
 (2) the trust indenture authorized by this article or IC 13-3-2 (before its repeal);

the additional bonds are considered to be of the same issue and are entitled to payment from the same fund, without preference or priority of the bonds first issued.

SECTION 13. IC 13-26-10-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 9. Before the preparation of the definite ~~revenue~~ bonds, temporary revenue bonds under the same restrictions may be issued with or without coupons, exchangeable for definite revenue bonds upon the issuance of the latter.

SECTION 14. IC 13-26-10-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 12. Subject to an ordinance or trust indenture pertaining to outstanding bonds, additional bonds ~~payable from the revenues of the works~~ may be authorized and issued in accordance with this article for the purpose of improving, enlarging, or extending works acquired or constructed under this article or IC 13-3-2 (before its repeal).

SECTION 15. IC 13-26-10-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 13. The board may secure the ~~revenue~~ bonds by a trust indenture by and between the district and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or outside Indiana. However, a trust indenture may not convey or mortgage all or any part of the works.

SECTION 16. IC 13-26-10-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 14. The ordinance authorizing the ~~revenue~~ bonds and fixing the details of the revenue bonds may provide that the trust indenture contain reasonable and lawful provisions for protecting and enforcing the rights and remedies of the bondholders, including covenants setting forth the duties of the district and the board in relation to the following:

- (1) The construction or acquisition of the works.
 (2) The improvement, operation, repair, and maintenance of the works.
 (3) The issuance of bonds, including the custody, safeguarding, and application of all money.

SECTION 17. IC 13-26-10-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 17. Unless this article otherwise provides, the board may provide by ordinance or in the trust indenture for the payment of:

- (1) the proceeds of the sale of the bonds; ~~and~~
 (2) the revenues of the works; **and**

(3) the proceeds of a special benefits tax levy;

to the officer, board, or depository that the board determines for the custody of the money and for the method of disbursement, with safeguards and restrictions that the board determines.

SECTION 18. IC 13-26-10-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 18. (a) At or before the time of issuance of the ~~revenue~~ bonds, the board shall by ordinance create a sinking fund for the payment of the following:

- (1) The bonds.
 (2) The interest on the bonds.
 (3) The charges of banks or trust companies for making payment of the bonds or interest.

(b) The board shall set aside and pledge **any part of a special benefits tax levy committed to the bond issue** and the net revenues of the works remaining after the payment of the reasonable expense of operation, repair, and maintenance of the works for payment of the:

- (1) principal of and interest on all bonds payable from the revenues of the works, to the extent necessary for that purpose; and
 (2) necessary fiscal agency charges for paying the principal and interest of the bonds.

(c) The ordinance may also provide for the accumulation of reasonable reserves in the sinking fund:

- (1) as a margin for safety and a protection against default; and
- (2) for the payment of premiums upon bonds retired by call or purchase as provided by this article.

SECTION 19. IC 13-26-10-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 19. (a) The holder of ~~revenue~~ bonds or attached coupons and the trustee, if any, except to the extent the rights given may be restricted by the ordinance authorizing issuance of the bonds or by the trust indenture, may, by civil action, protect and enforce rights granted:

- (1) by this article or IC 13-3-2 (before its repeal); or
- (2) under the ordinance or trust indenture;

to be performed by the district issuing the bonds or by the board or any officer, including the making and collecting of reasonable and sufficient charges and rates for services provided by the works.

(b) If there is failure to pay the principal or interest on any of the ~~revenue~~ bonds on the date named for payment, and upon application by a bondholder or a trustee, any court having jurisdiction to appoint receivers shall appoint a receiver to administer the works on behalf of the district and the bondholders or trustee. A receiver may do the following:

- (1) Charge and collect rates sufficient to provide for the payment of the expenses of operation, repair, and maintenance.
- (2) **Impose and collect a special benefits levy as provided in IC 13-12-15.**
- (3) Pay any ~~revenue~~ bonds and interest outstanding.
- ~~(3)~~ (4) Apply the revenues in conformity with this article and the ordinance or trust indenture.

SECTION 20. IC13-26-15 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]:

Chapter 15. Cumulative Improvement Fund

Sec. 1. As used in this chapter, "fund" refers to a cumulative improvement fund established under this chapter.

Sec. 2. (a) A district may establish a cumulative improvement fund under IC 6-1.1-41 to provide money for:

- (1) the construction, additional construction, or repair of works of improvement;
- (2) the maintenance of works of improvement; or
- (3) the financing or refinancing of obligations incurred for the construction, additional construction, or repair of works of improvement.

(b) Money in the fund may be used to pay part or all of an obligation that is incurred before or after the fund is established. However, an expenditure from the fund may be made for a purpose described in subsection (a) only to the extent that the district:

- (1) has authority under this article to make the expenditure; and
- (2) states in its district plan or in an amendment to its district plan that the expenditure is a purpose of the fund.

Sec. 3. (a) The board of a district that determines to establish a fund shall state this determination in the district plan or in any part or amendment to the plan. Notice to this effect shall be made a part of all notices concerning approval of the district plan or a part of or amendment to the plan, including implementation of the plan. The plan must specify the:

- (1) works of improvement;
- (2) additions to the works of improvement; or
- (3) repair of the works of improvement;

that are to be financed by the fund or for which debt is being retired.

(b) When:

- (1) the district plan;
- (2) part of the district plan; or
- (3) an amendment to the district plan;

is approved by the department, the fund is established.

Sec. 4. (a) To provide money for the fund, the board may place in the fund the following:

- (1) Gifts or grants from a person or state or federal agency.
- (2) Receipts of revenue from the sale of services or property produced incident to the accomplishment of the purpose for which the district is organized.

(3) Any other form of miscellaneous receipt, including tap-in fees and connection fees.

(4) Levy of a special benefits tax in accordance with this chapter.

(b) The board shall state in the district plan or part of or amendment to the plan the source or combination of sources that will finance the fund.

Sec. 5. With the approval of the fiscal body of each political subdivision appointing at least one (1) member to the board, the board may levy a special benefits tax in compliance with IC 6-1.1-41 as a special assessment on all the real property in the district. The board shall file with the district plan or part of or amendment to the plan:

- (1) the approval of the department of local government finance; and
- (2) any action taken to reduce or rescind the tax levy.

Sec. 6. The special benefits tax may not exceed six and sixty-seven hundredths cents (\$0.0667) on each one hundred dollars (\$100) of assessed valuation of real property in the district. However, a special benefits tax of less than ten dollars (\$10) on a parcel may be increased to not more than ten dollars (\$10) on a parcel. The district may require a statement processing charge on a special benefits tax statement. The statement processing charge is considered a part of the tax liability.

Sec. 7. The benefits received by each taxpayer paying the special benefits tax shall be treated as equal to the amount of the special benefits tax paid by the taxpayer.

Sec. 8. A tax levy under section 5 of this chapter may be reduced or rescinded by an approved amendment to the district plan.

Sec. 9. (a) The budget of a district payable from the fund:

(1) must be prepared and submitted:

- (A) at the same time;
- (B) in the same manner; and
- (C) with notice;

as required by statute for the preparation of budgets by municipalities; and

(2) is subject to the same review by:

- (A) the county board of tax adjustment; and
- (B) the department of local government finance;

as is required by statute for the budgets of municipalities.

(b) The budget shall be certified to the auditor of the county where the district maintains its principal office. Notice must be published in each county having land in the district. Any taxpayer in the district is entitled to be heard before the county board of tax adjustment having jurisdiction.

Sec. 10. (a) Upon approval by the department of local government finance, the board shall certify the tax levy to the auditor of each county having real property in the district.

(b) The auditor of each county shall have the levy entered into the tax records of the county treasurer for collection.

(c) The county treasurer shall collect the tax at the same time as other property taxes are collected.

(d) After collection, in June and December, the auditor of each county shall issue a warrant on the county treasurer to transfer the money collected to the board.

Sec. 11. The special benefits tax levied by a district is a primary lien on real property in the district equal to other taxes imposed on real property. The same provisions of other taxes regarding collections, penalties, and sale of property for delinquencies apply to this tax.

Sec. 12. A district is not considered a municipal corporation with respect to limitations on the amount of the districts indebtedness irrespective of how that indebtedness is secured in a pledge of the district.

Sec. 13. If:

- (1) there is a savings resulting from the cost of the works of improvement that are provided in the district plan, including the necessary engineering, legal, and administrative fees, being less than the proceeds of a bond issue or other borrowing to pay the costs;

- (2) the district plan is amended to provide that the excess money may be placed in the fund for further necessary works of improvement or additions to those works constructed with those proceeds; and
 (3) the use of the excess money is not restricted by the terms of the bond issue or other borrowing;

the excess money may be placed in the fund for the purposes described in subdivision (2).

Sec. 14. If a federal or state agency, according to statute or contractual obligation, demands immediate or prompt action by the district in construction of, adding to, or repairing works of improvement, the district:

- (1) may not defend that not enough money for the work has accumulated in the fund; and
 (2) shall use the accumulation of money in the fund, including the proceeds of:

- (A) borrowing;
 (B) the collection of tax or assessments; or
 (C) both borrowing and the collection of tax or assessments;

to discharge the obligation."

Renumber all SECTIONS consecutively.

(Reference is to ESB 494 as printed March 21, 2003.)

LIGGETT

Upon request of Representatives Espich and Bosma, the Speaker ordered the roll of the House to be called. Roll Call 422: yeas 47, nays 45. Motion prevailed. The bill was ordered engrossed.

HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 203 be returned to the second reading calendar for the purpose of amendment.

WELCH

Motion prevailed.

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 257

Representative Frenz called down Engrossed Senate Bill 257 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state police, civil defense and military affairs.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 423: yeas 91, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 363

Representative Mays called down Engrossed Senate Bill 363 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning civil law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 424: yeas 90, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 420

Representative Murphy called down Engrossed Senate Bill 420 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 425: yeas 91, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

MOTIONS TO CONCUR IN SENATE AMENDMENTS

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1083.

WEINZAPFEL

Roll Call 426: yeas 90, nays 0. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1399.

SUMMERS

Roll Call 427: yeas 91, nays 0. Motion prevailed.

CONFEREES AND ADVISORS APPOINTED

The Speaker announced the appointment of Representatives to conference committees on the following Engrossed House Bills (the Representative listed first is the Chair):

EHB 1331 Conferees: T. Adams and Alderman
 Advisor: Ruppel

OTHER BUSINESS ON THE SPEAKER'S TABLE

Referrals to Ways and Means

The Speaker announced, pursuant to House Rule 127, that Engrossed Senate Bills 26, 28, and 88 had been referred to the Committee on Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed, without amendments, Engrossed House Bills 1078, 1155, and 1901 and the same are herewith returned to the House.

MARY C. MENDEL
 Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed House Bills 1166, 1242, 1368, 1519, 1535, and 1714 with amendments and the same are herewith returned to the House for concurrence.

MARY C. MENDEL
 Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolution 37 and the same is herewith returned to the House.

MARY C. MENDEL
 Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolutions 38 and 41 and the same are herewith returned to the House.

MARY C. MENDEL
 Principal Secretary of the Senate

HOUSE MOTION

Mr. Speaker: I move that Representative Becker be added as coauthor of House Bill 1135.

C. BROWN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Becker be added as coauthor of House Bill 1458.

C. BROWN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Noe be added as cosponsor of Engrossed Senate Bill 58.

TORR

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Thomas be added as cosponsor of Engrossed Senate Bill 166.

COCHRAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Fry be added as cosponsor of Engrossed Senate Bill 178.

RIPLEY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Thomas be added as cosponsor of Engrossed Senate Bill 203.

WELCH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Thomas be added as cosponsor of Engrossed Senate Bill 286.

DVORAK

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Thomas be added as cosponsor of Engrossed Senate Bill 332.

FRENZ

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative C. Brown be removed as sponsor of Engrossed Senate Bill 341, Representative Fry be substituted as sponsor.

C. BROWN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Thomas be added as cosponsor of Engrossed Senate Bill 519.

HERRELL

Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Bardon, the House adjourned at 4:00 p.m., this thirty-first day of March, 2003, until Tuesday, April 1, 2003, at 1:30 p.m.

B. PATRICK BAUER

Speaker of the House of Representatives

DIANE MASARIU CARTER

Principal Clerk of the House of Representatives